

## SENATE.

WEDNESDAY, June 21, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.  
The Journal of yesterday's proceedings was read and approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, in which it requested the concurrence of the Senate.

## PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of the Commercial Club of Chicago, Ill.; of the Diocese of the Protestant Episcopal Church of Connecticut; and of the congregation of the Calvary Baptist Church, of Rochester, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of United Mine Workers' Union No. 99, of Belleville, Ill., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of the Board of Trade of Providence, R. I., praying that an appropriation be made to increase to a depth of 30 feet the harbor at that city, which was referred to the Committee on Commerce.

Mr. BURNHAM presented a memorial of Local Grange, Patrons of Husbandry, of Chester, N. H., and a memorial of Cheshire Grange, No. 131, Patrons of Husbandry, of Keene, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were ordered to lie on the table.

Mr. WARREN presented memorials of Rev. H. E. Reeder, general pastor of the Northeastern Wyoming Field, Seventh-day Adventists, and of sundry citizens of Sheldon, Thornton, and Upton, in the State of Wyoming, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CUMMINS presented memorials of sundry citizens of Victor and Iowa City, in the State of Iowa, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were ordered to lie on the table.

Mr. BURTON presented a petition of the Chicago Peace Society, of Illinois, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, praying for the enactment of legislation to correct the alley-slum conditions in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, praying for the enactment of legislation to prohibit the pollution and obstruction of the waters of Rock Creek, etc., which was referred to the Committee on the District of Columbia.

Mr. PERKINS presented memorials of sundry citizens of Susanville, Lodi, and Santa Cruz, all in the State of California, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

Mr. POINDEXTER presented memorials of sundry citizens of College Place, Walla Walla, Dayton, North Yakima, Pomeroy, Richland, Granger, Farmington, Penawawa, Cle Elum, Wilcox, Endicott, Spokane, Douglas, Prescott, Burbank, St. John, Pullman, Pasco, Kennewick, Eureka, Turk, Addy, Myers Falls, and Kettle Falls, all in the State of Washington, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

## REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on the Philippines, to which was referred the bill (S. 2761) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for

other purposes," reported it with amendments and submitted a report (No. 83) thereon.

Mr. NELSON, from the Committee on Public Lands, to which was referred the bill (S. 2462) to cede jurisdiction to the State of Georgia over certain land in Fulton County, reported it without amendment.

## REPORT ON SEIZURES OF COTTON.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution No. 49, submitted by Mr. WILLIAMS on the 23d ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That there be printed for the use of the Senate document room 1,000 copies of Executive Document No. 23, Forty-third Congress, second session, entitled "A Report of the Acting Secretary of the Treasury," in relation to the number of bales of cotton seized under orders of that department after the close of the war.

## FEDERAL ANTITRUST DECISIONS.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate concurrent resolution No. 3, submitted by Mr. GORE on the 17th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed and bound 3,000 copies of the Federal antitrust decisions, 1890 to 1911, to be compiled by the direction of the Department of Justice, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

## TEXTILE INDUSTRY OF THE UNITED STATES.

Mr. SMOOT. From the Committee on Printing, I report back favorably an article presented by the Senator from New Hampshire [Mr. GALLINGER] on the 12th instant, relative to the textile industry of the United States, and ask that it be printed as a public document. (S. Doc. No. 53.)

The VICE PRESIDENT. Without objection, the order to print will be entered.

## ST. FRANCIS RIVER BRIDGE IN ARKANSAS.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (S. 2766) to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River, in the State of Arkansas, and for other purposes, and I submit a report (No. 82) thereon. I ask unanimous consent for its present consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## PALMERS OR WARREN RIVER BRIDGE IN RHODE ISLAND.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (S. 2732) to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island, and I submit a report (No. 81) thereon. I call the attention of the Senator from Rhode Island [Mr. LIPPITT] to the bill.

Mr. LIPPITT. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Virginia.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BACON:

A bill (S. 2833) granting an increase of pension to John T. Peel (with accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 2834) granting an increase of pension to Chastina E. Hawley (with accompanying paper); and

A bill (S. 2835) granting a pension to David Black; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2836) granting an increase of pension to John W. Yount (with accompanying papers); to the Committee on Pensions.



By Mr. KENYON:

A bill (S. 2837) to amend an act entitled "An act to regulate commerce, as amended June 29, 1906, April 13, 1908, and June 18, 1910"; to the Committee on Interstate Commerce.

A bill (S. 2838) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico;

A bill (S. 2839) granting a pension to Elizabeth R. Griffith;

A bill (S. 2840) granting a pension to Caroline Kudebeh;

A bill (S. 2841) granting an increase of pension to James E. Houghland (with accompanying papers); and

A bill (S. 2842) granting a pension to Ellen G. Robison; to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 2843) for the relief of Ella O. Richardson; to the Committee on Public Lands.

By Mr. SMITH of Maryland:

A bill (S. 2844) to establish a commission to be known as the national forest demonstration and experimental commission, and to make an appropriation therefor; to the Committee on Agriculture and Forestry.

By Mr. CLARK of Wyoming:

A bill (S. 2845) to acquire certain land in Washington Heights for a public park, to be known as McClellan Park.

The VICE PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

Mr. GALLINGER. I suggest that the bill go to the Committee on Public Buildings and Grounds, that committee having jurisdiction of parks in the District of Columbia.

The VICE PRESIDENT. Without objection, that reference will be made.

By Mr. POINDEXTER:

A bill (S. 2847) granting an increase of pension to Austin J. Marsh; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2848) authorizing the sale of certain lands to the Dwight Mission School, on Sallisaw Creek, Okla. (with accompanying papers); to the Committee on Indian Affairs.

#### IMPROVEMENT OF RURAL DELIVERY ROADS.

By Mr. SIMMONS:

A bill (S. 2846) for experimental improvement of rural delivery roads by the Secretary of Agriculture in cooperation with the Postmaster General, for investigating the subject of Federal registration and license of automobiles used in interstate travel, and for other purposes.

Mr. SIMMONS. I ask that the bill may lie on the table, subject to my call; and I desire in this connection to give notice that on Friday next, after the close of the morning business, I will submit to the Senate some remarks upon the bill.

The VICE PRESIDENT. Without objection, the bill will lie on the table.

#### PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. BURTON. I submit two amendments intended to be proposed to the bill H. R. 2958, the pending publicity bill, which I ask may lie on the table and be printed.

The VICE PRESIDENT. Without objection, the amendments will lie on the table and be printed.

#### SENATE EMPLOYEES.

Mr. KERN. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 78) was read, as follows:

*Resolved*, That the Secretary of the Senate and the Sergeant at Arms of the Senate are hereby directed to retain in the employ of the Senate all of their appointees and employees who are capable and efficient, and to continue such persons in their positions until cause for their removal shall have been reported to and approved of by the Senate and their removal directed.

The VICE PRESIDENT. The Senator from Indiana asks for the immediate consideration of the resolution. Is there objection?

Mr. GALLINGER. I think it had better go over.

The VICE PRESIDENT. Objection is made.

Mr. GALLINGER. It ought to go to the committee.

The VICE PRESIDENT. The resolution will be referred to the Committee on Rules.

#### BLACK WARRIOR RIVER, ALA., IMPROVEMENTS.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of the bill (S. 943) to improve navigation on Black Warrior River, in the State of Alabama.

I make this request because the Chief of Engineers says that the proposition embraced in the bill is a very important one, involving as it does material changes in the adopted project, and it is commended by the Board of Engineers as very important,

because the work is about to commence on the lock as to which the proposed change is to be made.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 9, after the word "proposed," to strike out "and the building of the said Locks 18 and 19 is hereby abandoned," so as to make the section read:

That for the purpose of improving navigation of the Black Warrior River above Lock 17 to Cordova and as far up said river as the foot of Sanders Shoals, 5 miles above Cordova and 56½ miles above Lock 17, and for the purpose of aiding and developing the water power at Locks 16 and 17, in cooperation with the Birmingham Water, Light & Power Co. (hereinafter styled "the company"), a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of developing the water power of said river and supplying the public with same, the Secretary of War is hereby authorized, in his discretion, to change the detailed plans and specifications for the construction of Lock and Dam 17 so as to increase the height of the pool level over the dam crest of Lock 17 to a height of 63 feet above the pool level of Lock 16, so as to render unnecessary the building of Locks 18 and 19, as now proposed.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 5, after the word "to," to strike out "terminate existing contracts at" and insert "enter into supplemental agreements with the present contractors for"; and in line 8, after the word "seventeen," to strike out "provided the construction of higher lock at Dam 17 is found advisable for the interest of the United States" and to insert "providing for the annulment of existing contracts or for their modification, so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States," so as to make the section read:

SEC. 3. That the Secretary of War is authorized, in his discretion, to suspend operations during investigations and to enter into supplemental agreements with the present contractors for Lock and Dam 17, providing for the annulment of existing contracts or for their modification, so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States.

The amendment was agreed to.

The next amendment was, on page 3, to strike out section 4, as follows:

SEC. 4. That the Secretary of War is hereby authorized to equip Locks 16 and 17 with electrical apparatus for operating gates and valves and lighting same.

The amendment was agreed to.

The next amendment was, on page 3, section 5 (4), line 17, after the word "of," to strike out "high locks and"; in line 21, after the word "of," to strike out "Lock and"; and, in the same line, after the word "seventeen," to insert "and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17," so as to make the section read:

SEC. 4. That should the construction of dam at site 17 be found advisable the appropriations and authorizations heretofore made for the costs of locks and dams on the Warrior River shall be available for the construction of Dam 17 and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17.

The amendment was agreed to.

The next amendment was, on page 5, section 6 (5), line 4, after the word "develop" to strike out:

From the water wheels delivering a minimum of not less than 80 per cent of the theoretical horsepower from the natural flowage of the river at and during the dry season, upon the basis of a minimum of 1,200 horsepower daily per annum at Lock 16 and 2,000 horsepower daily per annum at Lock 17; the payment for such power so created at each lock to begin one year after the lock is finished and ready for transportation and power.

And insert:

From the normal flow of the river, for a period of 20 years, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period; and payment for the power created at each lock shall begin one year after the lock shall be finished and ready for transportation and power, and shall be made on the basis of a minimum of 1,200 horsepower daily per annum at Lock 16 and 3,800 horsepower daily per annum at Lock 17.

And, on page 6, line 4, after the word "rights," to strike out "on" and insert "over"; in the same line, after the word "lands," to strike out "to" and insert "that will"; in the same line, after the word "temporarily," to insert "or permanently"; in line 8, after the word "assigns," to strike out "beginning with the year 1920"; in line 11, after the word "the," to strike out "three thousand two hundred" and insert "five thousand"; in line 24, after the word "that," to insert "beginning with the year 1920"; in line 25, after the word "minimum," to strike out "power" and insert "rental"; on page 7, in line 2, after the word "be," to strike out "equal to"



and insert "on the basis of," and, in the same line, after the word "horsepower," to insert "and the contract shall further provide that the works herein contemplated, including the storage reservoirs, shall be commenced within 1 year and completed within 10 years from date of approval hereof," so as to make the section read:

SEC. 5. That for the purpose of securing the performances and obligations of the company imposed by this act the Secretary of War is authorized and empowered to enter into a contract with said company for the purpose of more efficiently carrying out the stipulations and performances herein mentioned. And it shall be provided in said contract that for and in consideration of the aid to and improvement of the system of navigation of the Black Warrior River by the company from the construction and operation of its plant and works, the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 99 years, electrical power stations and other structures, including turbo-generator intakes, equipped with double gates and valves at a level in said dam with the turbine water-wheel penstocks, for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power created with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power to persons and private and municipal corporations and associations: *Provided*, That the company shall furnish, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks, gates, and valves, and for the lighting of the Government stations and houses situated at said locks. And the said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power at Dams and Locks 16 and 17 at the rate of \$1 per annum per horsepower realized and developed from the normal flow of the river, for a period of 20 years, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period; and payment for the power created at each lock shall begin one year after the lock shall be finished and ready for transportation and power, and shall be made on the basis of a minimum of 1,200 horsepower daily per annum at Lock 16 and 3,800 horsepower daily per annum at Lock 17: *And provided further*, That the company shall have ingress and egress over Government lands for the construction and operation of its plants and works and the right to use Government lands at or near said locks for the erecting of power houses and appurtenances in connection therewith. It shall be provided further in the contract that the company shall transfer to the Government flowage rights over all lands that will be temporarily or permanently overflowed in connection with said improvements of Lock and Dam 17. It shall be further provided in said contract that the company, its successors and assigns, shall pay to the Government an additional rental or royalty of 50 cents per horsepower per annum for all power sold in addition to the 5,000 horsepower above mentioned for additional power created at Locks 16 and 17 by the company's storage and impounding dam, power stations, and works, to be located at the head of Sanders Shoals, on the Black Warrior River, and more particularly described as being in the center of section 23, township 14, range 6 west, in the northeast corner of Walker County, Ala., 56.3 miles above Lock 17; the Government to have free access to the company's books and power and curve load sheets for the purpose of ascertaining and calculating the amount of additional power produced and sold by the company from its storage reservoirs at said locks, it being understood that, beginning with the year 1920, the minimum rental to be paid for to the Government by the company shall be on the basis of 15,000 horsepower. And the contract shall further provide that the works herein contemplated, including the storage reservoirs, shall be commenced within 1 year and completed within 10 years from date of approval hereof.

The amendment was agreed to.

The next amendment was, in section 7 (6), page 7, line 13, after the word "Sixteen," to strike out "but may draw down" and insert "nor shall"; in line 14, after the word "Seventeen," to strike out "3 feet, this being the minimum pool level, Dam 17 being built with flashboards 3 feet higher than necessary for navigation, this additional 3 feet of height to be used as a storage supply for water-power purposes," and insert "be drawn down below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes, the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense"; on page 8, in line 2, after the word "be," to insert "executed"; in line 5, after the word "and," to insert "to"; in line 8, after the word "and," to strike out "for the securing of" and to insert "to insure"; in line 9, after the word "performance," to strike out "on the part of" and insert "by"; in line 11, after the word "require," to strike out "of"; in line 12, after the word "company," to strike out "the execution of" and insert "to execute"; and in line 13, after the word "as," to strike out "shall be approved by the Secretary of War, and conditioned upon the faithful performance of all the terms and conditions imposed upon it by said contract" and insert "he may determine to be necessary," so as to make the section read:

SEC. 6. That in the exercise of the authority granted to the company herein or by said contract the company shall conform to such regulations as may be imposed by the Secretary of War for the protection of navigation and of the property and other interests of the United States. The company shall at no time disturb the pool level made by the erection of Dam 16, nor shall the pool level of Dam 17 be drawn down below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes, the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense; and at no time shall the company make any claim against the United States for failure of water power from any cause whatsoever. That the work and improvements herein provided for shall be executed under the direction and with the approval of the Chief of Engineers

and the Secretary of War, the structures provided for being always subject to the provisions and requirements of this act and to such stipulations as may be imposed by Congress or by the Secretary of War for the protection of navigation and property and other interests of the United States; and to insure the performance by the company of the acts and obligations imposed upon it by said contract, the Secretary of War may require the company to execute a bond in such an amount and with such surety as he may determine to be necessary. Whenever the company shall have acquired and transferred to the United States Government all lands to be flooded and temporarily overflowed and erected power stations sufficient to supply the Government with all necessary power to light and operate said locks, so much of said bond as was required for the performance of said acts shall cease or be reduced to an amount not to exceed \$50,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 7, to insert a new section as follows:

SEC. 10. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

Mr. BURTON. Mr. President, there is a rather trivial amendment which should be made. On page 8, line 11, after the word "require," I move to strike out the word "of."

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, it seems to me that this is rather an important bill to be hurried through at this time. I have not had an opportunity to look over it. I should like to have some explanation of the bill from the Senator in charge of it.

Mr. JOHNSTON of Alabama. I shall be very glad to give it. This is a very important bill in regard to the navigation of the Black Warrior River and the development of water power there. The present plan is to build a dam there of 63 feet and to build Locks 18, 19, and 20, each of 21 feet. This bill proposes to establish and build a high dam at Lock 17, which will back up the water of the river entirely to the railroads that pass over the river and beyond where it is contemplated in the present project. It will cost, the Board of Engineers estimate, about \$150,000 more to build the dams, but the Government will receive a revenue of about \$15,000 a year from the use of the water power. The completion of the project for the creation of the water power referred to will greatly facilitate the transportation of products from Birmingham to the Gulf.

Mr. SUTHERLAND. Let me ask the Senator, does the bill undertake to recognize the right of the Federal Government to sell and dispose of the water—

Mr. JOHNSTON of Alabama. No; not at all.

Mr. SUTHERLAND. Or the water powers of the State?

Mr. JOHNSTON of Alabama. Not at all. It is in accordance with the provisions of the act passed by Congress in regard to fixing the rate or charge for the additional height of the dam that produces the power.

Mr. SUTHERLAND. Mr. President, I should like to look into this bill, and I ask that it may go over.

Mr. JOHNSTON of Alabama. I want to say to the Senator that the bill is unanimously indorsed by the Board of Engineers and by the Chief Engineer of the Army, who speak of it as being highly important that it be acted on immediately.

The VICE PRESIDENT. The bill can not go over on an objection, for it is being considered by unanimous consent. It has not been reached in the regular order.

Mr. JOHNSTON of Alabama. All of the amendments to the bill which have been agreed to have been suggested by the Board of Engineers, and have been so framed as to make it entirely satisfactory to the Government.

Mr. NELSON. Will the Senator from Alabama allow me to make a suggestion?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. JOHNSTON of Alabama. Yes.

Mr. NELSON. I want to state that this bill was referred to the War Department and to the Board of Engineers, and all the amendments which have been agreed to have been suggested by the Board of Engineers. There is a report on the bill from that board recommending its passage. The questions involved in this bill are not such as relate to the water-power question in the West at all.

Mr. JOHNSTON of Alabama. Not at all.

Mr. NELSON. They do not have any bearing on those questions in which I know the Senators from the Pacific coast and mountain States are interested.

Mr. DIXON. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. JOHNSTON of Alabama. Certainly.

Mr. DIXON. Mr. President, I rise, really, to inquire generally about the same matter which the Senator from Utah [Mr. SUTHERLAND] and the Senator from Minnesota [Mr. NELSON] have referred to. As I listened to the reading of the bill, it



empowers the Federal Government to receive revenue from the water power of an Alabama river.

Mr. JOHNSTON of Alabama. Yes.

Mr. DIXON. Is that correct?

Mr. JOHNSTON of Alabama. Water power created by the Government work.

Mr. DIXON. Created by the Federal Government?

Mr. JOHNSTON of Alabama. Yes.

Mr. DIXON. But, as I have always understood the matter, the waters of a nonnavigable stream, and even those of a navigable stream, belong to the State in which that stream is situated.

Mr. JOHNSTON of Alabama. I understand that perfectly.

Mr. DIXON. Does this bill contemplate the inauguration of a new policy on the part of the Federal Government to sell water power within the limits of the State where the water belongs to the State?

Mr. JOHNSTON of Alabama. Not at all. It provides for the constructing company to put up the reservoir to impound the water of the river to make navigation more perfect, and to contribute to the increased cost of building the dam. Only \$150,000 increased cost is recommended by the engineers, and the revenue, it is supposed, will be from \$10,000 to \$25,000.

Mr. DIXON. Does that revenue flow to the Federal Government?

Mr. JOHNSTON of Alabama. It flows to the Federal Government through a company chartered by the State to do this work.

Mr. DIXON. Why should not that revenue go to the State of Alabama?

Mr. JOHNSTON of Alabama. Because the State has already given this power to the company, and they have transferred it to the Federal Government.

Mr. BURTON. Mr. President, I think what the Senator from Montana has in mind is this: What is the reason why any license should be paid to the Federal Government?

Mr. DIXON. Yes; for water power in Alabama.

Mr. BURTON. The water power is created as an incident by dams constructed for the purpose of promoting navigation. Those dams are constructed by the Federal Government. This bill involves no new policy. On the Kentucky River and on the Muskingum River the Government for many years past has been receiving rental for water power created by its dams constructed for the purpose of navigation.

Mr. DIXON. But does not that recognize the title of the Government to the water?

Mr. BURTON. I do not think so at all. It recognizes, where the Government builds a dam and creates a water power which would not otherwise exist, that it has the right to charge for it.

Mr. SUTHERLAND. Let me ask, does the Government build this dam?

Mr. BURTON. The Government builds this dam. There are proposed additions to it in the way of flashboards, and so forth, which the Secretary of War may, in his discretion, allow those who are utilizing the water power to build. All the expenses for the dam proper are borne by the Federal Government in carrying out the plan to canalize the Black Warrior River, a plan adopted nearly 20 years ago.

Mr. SUTHERLAND. I have looked over the bill very hastily, and it seems to me to go entirely beyond the mere authority of the Government to deal with the subject of navigation. It seems to recognize the right of the Federal Government to dispose of water and water power in the stream.

Mr. BURTON. Not except as created by Government construction in the way of dams or locks erected primarily for the purpose of navigation.

Mr. SUTHERLAND. Section 6 of the original bill provides—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. JOHNSTON of Alabama. Certainly.

Mr. SUTHERLAND. If the Senator will permit me to finish. Section 6 of the bill provides:

That the company shall furnish, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks, gates, and valves, and for the lighting of the Government stations and houses situated at said locks. And the said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power at Dams and Locks 16 and 17 at the rate of \$1 per annum per horsepower realized and developed.

As I say, I have not had time to go over the bill.

Mr. BURTON. Certainly, two provisions are contained in section 6, just read, which are in accordance with policies already adopted. First, it is made a condition in all cases where the

Government grants the right to a private company or individual to utilize water power created by Government dams, the company shall furnish the power for the operation of the locks connected with such dams.

The second feature which the Senator from Utah mentions is also one already in vogue, that a certain rental per horsepower shall be charged in such cases. It would be quite unjust to say that the Government should construct these dams at a great expense—endeavoring to improve rivers through a hilly country, where locks and dams are necessary, and put such rivers on the same footing with the improvement of a river through a level country—and receive no revenue by reason of the expensive construction of the locks and dams.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. JOHNSTON of Alabama. I do.

Mr. WORKS. I should like to explain to the Senator from Utah that if there should be any assumption of the right on the part of the National Government to deal with the water, that would in no way affect or bind the legal claimants to the water in the stream. It can only dispose of whatever rights it may have in the water, as suggested by the Senator from Ohio [Mr. BURTON]. Certainly, no action taken by the National Government in this way could bind any legal claimant to the water or his right either as an appropriator or as a riparian owner.

Mr. NELSON. Mr. President, if the Senator will allow me, I will state that this bill does not involve the principle which governs where a private individual or a private company constructs a dam and the Government seeks to obtain payment for the water. I have been utterly opposed to that proposition; but this is a case where the Government constructs a dam in aid of navigation, and as an incident to it there is a water power, and the Government, on account of the expense it has been put to, charges for the use of that water. That is all that is involved in this bill, which is carefully guarded by the amendments which have been suggested by the War Department.

Mr. DIXON. Mr. President, while I had intended to ask that the bill go over, under the explanations made I have no further objection to it.

Mr. SUTHERLAND. The explanation just made by the Senator from Ohio [Mr. BURTON] and the Senator from Minnesota [Mr. NELSON] is satisfactory to me. I did not at first understand the bill, because it is a long bill and there has been no opportunity of reading it. I simply caught a fugitive expression here and there, and I do not want to give my vote to any bill which will recognize the right of the Federal Government to dispose of the waters or the water powers in any State.

Mr. JOHNSTON of Alabama. I agree perfectly with the Senator from Utah, and I myself shall stand against any such proposition.

Mr. HEYBURN. Mr. President, the power of the Government to the use of streams is limited to navigation purposes. It is perfectly proper for the Government to improve a stream in order that it may be made navigable. The Government's function is complete when it has created the navigation or aided it. The sale of water is something entirely disconnected from the creation of navigable conditions in a stream, and I am not able to see why the Government may charge anyone for the use of water after it has performed the function of creating a navigable stream. The title to water can not be acquired by anyone; it is the title to the use of the water that may be acquired, and not to the water itself.

The Government having impounded the water may use it to the limit of the purposes contemplated by the Constitution, but not beyond. The Government has no legal right to sell this water to anyone or to charge for its use, because, upon the face of the bill, it is a measure in the interest of the promotion of navigation. That being effectuated, the power of the Government ceases. I do not feel inclined to go into that question further than to make the suggestion this morning. It is a question of very great importance.

Mr. BURTON. Will the Senator permit me?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. I do.

Mr. BURTON. I would suggest to the Senator from Idaho that the question raised by him has been repeatedly decided both by the State and by the Federal courts. I think the case of the Kakauna Water Power Co., of Wisconsin, in the Supreme Court of the United States, is one of them. The tenor of these decisions is that where the right is given to create navigation, and where, as an incident to the exercise of that right, water



power is created, the Government, or, indeed, a private corporation owning the franchise, can utilize the water power or sell it.

Mr. HEYBURN. The question is, Where can it utilize it; at what point? The decisions are uniform that after the Government has accomplished the purpose which it is authorized to effectuate anyone may locate water rights under the laws of the State, not under the laws of the United States, for the United States Government has no law under which water rights may be located.

Mr. BURTON. Suppose, however, in the construction of an important public work dams are constructed and water is impounded, and in the liberation of that water, water power is created, is there any reason why the Government should not receive compensation for it? The water power is a necessary and inevitable incident of the improvement.

Mr. HEYBURN. But this bill is not within that question.

Mr. BURTON. I think it is.

Mr. HEYBURN. The improvement authorized is not created for any other than navigable purposes, because the bill says so.

Mr. ROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. ROOT. May not the power have been created with a view to the fact that the cost may be materially reduced by the application of the proceeds of the power created?

Mr. HEYBURN. There is no law on the subject.

Mr. ROOT. That is, may it not be that a very salutary improvement may depend upon the fact that its creation would not be all a matter of expense, but that it would, while improving navigation, at the same time pay for itself in some part by the creation of a disposable water power? Is it not desirable that that view should obtain?

Mr. HEYBURN. Mr. President, the Senator is appealing to the law of expediency, but there is no law of the land under which that can be done. It might be that such a law could be enacted, but there is no existing law; and the only rule to which the Senator's reasoning applies is that of expediency, as to whether such a law should not exist. None exists to-day.

Mr. ROOT. But we can make one, and do we not make one if we pass the bill of the Senator from Alabama?

Mr. HEYBURN. That is what I am afraid of. If that bill can not be invoked in the future as a basis for establishing the right of the Government in relation to water, I would have no word to say about it, but I listened very carefully to the reading of it—

Mr. JOHNSTON of Alabama. I want to ask the Senator if he does not think the State has the right to the water?

Mr. HEYBURN. Absolutely.

Mr. JOHNSTON of Alabama. This is confined to the corporation that is named in this bill. It is to impound the water above where it is backed up by this dam, to preserve the navigation of the river all the year round, and to improve it in that way.

Mr. HEYBURN. Under the authority of State legislation?

Mr. JOHNSTON of Alabama. Under the authority of State legislation.

Mr. HEYBURN. Why should the State legislation be supplemented by an act of Congress?

Mr. JOHNSTON of Alabama. It is because the original proposition provided for the construction of a dam 31 feet high and for one lock. Now it is proposed to build a dam 63 feet high and put in three locks at that place.

Mr. HEYBURN. Why do we not stop with conferring the power to build the dams 63 feet high? Why is it necessary to invade this other very dangerous field?

Mr. JOHNSTON of Alabama. I do not think there is any danger at all, because no water is diverted from the river—not one particle. It will improve the navigation of the whole length of the river to the Gulf.

Mr. HEYBURN. If I could be convinced that the suggestion of the Senator from New York [Mr. Root] that this bill might be the initiation of a construction to be placed upon the law authorizing the Government to sell water is not to be acquiesced in I would not raise my voice in this matter. But it is in order to be sure that that will not be done that I want the record which will accompany the passage of this bill to show that Congress did not consider this as the initiation of, or recognition of, a new principle.

Mr. JOHNSTON of Alabama. I agree perfectly with the Senator from Idaho in that.

Mr. ROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. ROOT. There is a further consideration, though perhaps not a very important one. These works have to be maintained, and, if they have to be maintained, it is certainly good policy to so provide that they may take care of themselves without being a continual burden upon the Public Treasury. The application of the water power that is created by them to the maintenance of the project certainly would seem to be desirable.

Mr. HEYBURN. That is still the law of expediency.

Mr. ROOT. Yes; it is.

Mr. HEYBURN. But not the law of the land.

Mr. ROOT. But of importance as a matter of expediency.

Mr. HEYBURN. I only rose in order to perfect the record in this case. Were I convinced or did I think that this would be, as is suggested by the Senator from New York, considered as entering upon a new system, which recognizes the right of the Government to charge either a State or the citizens of a State for the right to use the water flowing in a public stream, I should perhaps be much more insistent in my opposition to it. I think the Senator from Alabama is in accord with the views I have expressed.

Mr. JOHNSTON of Alabama. Thoroughly.

Mr. HEYBURN. And I want the record to show that this is not to be taken as a recognition by Congress of the right to make such charges.

Mr. JOHNSTON of Alabama. I should not have introduced the bill if I had thought it accomplished such a purpose as that.

The VICE PRESIDENT. Without objection, the amendments will be agreed to.

Mr. BACON. I should like to ask the Senator from Idaho a question for information. In what way does the construction put upon it by the Senator relieve the bill from the express stipulations that a certain amount shall be paid for the water? I am asking for information.

Mr. HEYBURN. There are so many interruptions and there is so much noise—

The VICE PRESIDENT. The Senate will please be in order.

Mr. HEYBURN. That I am not quite sure that I caught correctly the question of the Senator from Georgia. Will the Senator kindly state the question again?

Mr. BACON. I understood the objection which the Senator urged was that the Federal Government had no such property interest in the water as would enable it either to sell or lease the water power. Then I understood the Senator to have suggested some construction of this bill which would avoid that conclusion.

Mr. HEYBURN. I am far from being satisfied that a construction of this measure would not, if it were to be taken as a precedent, as in a case in court, lead to the conclusion that the Government would not hereafter claim the right to sell the water in public streams. No one has title to water flowing in public streams. That was established by the Supreme Court at an early day, and that has been the law, and it is not controverted. No title exists in the water. It is only in the use of power. That is a clearly defined difference. Now, in this case, as I understand the bill, the Government is proposing to sell the right to use the water because it has impounded it, for an entirely different purpose, having it on hand, so to speak.

According to the law of expediency invoked by the Senator from New York [Mr. Root], it says, "Having this water on hand, we might as well make some use of it." But the law of the land says that that does not authorize any use of it except in pursuance of the laws of the State; and it is a serious question; and if this bill passes I want it to pass with this record, so that hereafter the discussion invoked by the submission of the bill may always tend to explain the position of Congress in enacting such a bill.

Mr. BACON. Before the Senator from Idaho takes his seat I wish to ask him a question. I am seeking light; I am as anxious as is the Senator to assist, if I can, the Senator from Alabama in the matter without compromising what I consider to be a serious principle. I desire to know in what way has the Senator reconciled himself to it, in order that I may see if I may, pursuing the same road, reach the same conclusion.

Mr. HEYBURN. I am not reconciled to it, and my vote will perhaps indicate that.

Mr. BACON. In what way does the Senator propose that our action to-day shall not be taken as a precedent?

Mr. HEYBURN. Well, Congress does not establish precedents that are as binding as in the case of decisions of courts.

Mr. BACON. I understand that; but I understood the Senator to say that a certain construction was going to be announced, for which we have to answer in the future, whenever a similar right may be sought to be exercised.



Mr. HEYBURN. Not necessarily a precedent, but that the question shall still be open when presented on another occasion.

Under the law of Alabama, or any other State of the Union, the water flowing through these locks or over that dam is subject to appropriation by any citizen of the State. Congress can not take away that right. There is not a State which has not protected that right in its citizen.

Mr. BACON. I can perceive of certain arrangements which might be made which would avoid this difficulty. I recollect that a colleague of the Senator in a former Congress proposed that dams should be constructed at the joint expense of the Government and some private enterprise, with the stipulation that, having joined in the construction of the dam, the parties thereafter should have the right to use the water, the assumption being of course that it was their own land. If the parties owned the land, they would have the right to use the water.

Mr. HEYBURN. I thought it was in the nature of a loan, to be repaid, and did not come to the question of the title to the use of the water. For instance, in the reclamation act, the Government only loans the money. It does not become the proprietor. It becomes the agent only, and the money is repaid to the Government. That does not involve the question of title. But in this case the question of title seems to be involved.

Now, let me give a concrete instance in regard to this use of water: Should the Senator from Georgia or any other person build a dam in a stream in which the water was flowing through the State, for the purpose of diverting the water to create power, the surplus water running over the dam could be appropriated or located by any person. He has no title to it at all. That is the universal law, and there is no decision to the contrary.

You may go to the end of a tailrace, below a mill in which the power is generated and located, and nothing can prevent you. The water has been released from the control which was obtained under the appropriation as soon as it has passed the line. For instance, the water flowing over the spillway of a dam is subject to appropriation by any other citizen. No title vests in the person owning the dam. He has built the dam for the purpose of creating power, and may use it to the extent of his purpose or his right under the law.

This is an interesting point: Though a man may claim in his location 5,000 inches of water, if the conduit which he describes in his location notice—and he must describe it—will convey only 1,000 inches, he takes title only to the use of 1,000 inches of water. That is the universal law.

If a man builds a dam to any water in excess of that necessary for the purpose for which he builds it, he obtains no title. In this case there is evidently more water than is used for the purpose of navigation, and the Senator describes it—several Senators have—as incident to the creation of navigation, or the maintenance or aid of navigation. The fact is that the locator has not any title to the excess water above that which is necessary to properly fulfill the purpose for which the location is made.

Mr. SMITH of South Carolina. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Yes.

Mr. SMITH of South Carolina. I am extremely interested in this matter. In the bill I read this clause:

And the said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power at Dams and Locks 16 and 17 at the rate of \$1 per annum per horsepower—

It specifies it at the rate of \$1 per annum per horsepower—at the rate of \$1 per annum per horsepower realized and developed.

This is a specific case. Would that not establish the precedent that the Government might at any place where it had created a dam for the purpose of navigation raise the dam and charge this rental as covering its cost, as incidental or expedient, as indicated by the Senator from New York. Could not that be used for that purpose?

Now, I understand that this bill provides for a specific case, bearing on a specified location, and therefore is not intended to have general application. But why should it be done? Are you going to admit the right of the Government to raise a dam and increase the water power above the necessity of water for the use of navigation, and contend that it is then entitled to a rental for the water power throughout any State on any public stream?

Mr. HEYBURN. I do not think the Government has the power to create a right of that kind. The State can afford to its citizens through legislation the right to locate this surplus water, and no action by Congress could prevent a State from doing it, because the State has control of the water.

All of the great States have legislative enactments authorizing the location of water rights, and after this dam is raised to the height contemplated the citizens of Alabama can go in there, notwithstanding the fact that the Government is seeking to sell the water, and locate it. They could in the West, and under the law of Alabama I think probably they could. The courts of Alabama would undoubtedly hold that the right of a locator under the laws of the State was superior to the right of a person claiming under a contract with the Government, because the Government is selling something that it has no right to sell and to which it has no title.

The VICE PRESIDENT. The question is, Shall the bill be ordered to be engrossed for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. HEYBURN. I merely desire an opportunity to vote against the bill.

Mr. CLARK of Wyoming. Mr. President, I do not rise to discuss the bill. I shall vote "nay" upon the question of the passage of this bill, for I recognize no right in the General Government, by the Constitution or otherwise, to perform the functions proposed by the bill.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. BACON. Mr. President, of course I recognize that the building of these dams creates an opportunity for the use of the water power, and I am perfectly in accord with the desire that some scheme may be devised by which this water power may be used. At the same time I am not willing to concede that the Federal Government has the right to sell the water power of a stream within a State.

Mr. BAILEY. It does not belong to the Government.

Mr. BACON. As the Senator from Texas says to me, it does not belong to the Government. It belongs to the State or the riparian owner. If the Senator from Alabama will take his bill and so recast it that that difficulty shall be avoided, I shall be glad to give it my support; but I think that is a most vital principle, which it is dangerous to disregard.

It may be that the bill can be passed without that difficulty being remedied, but I desire to say that I can not vote for it, for the reason I have stated. At the same time I wish to add that I recognize the importance of the utilization of this power; and if there are conflicting rights of any kind or doubtful rights in the matter and the bill can be withheld so this vital principle shall not be contravened, I shall be glad to give it my support.

Mr. SMITH of South Carolina. I should like to make an observation with regard to the bill. If these locks are necessary for navigation, the National Government is amply able, and it has every right, to construct just such dams as to make the river navigable; but I will not vote for a bill which, in order to induce the National Government to improve any public stream and improve the navigation of the stream by virtue of the increased improvement, gives it the power to usurp the rights of the State. That is what this bill proposes to do—that by virtue of the Government creating a larger lock, and a greater water power, in order to reimburse it for this extra expense, it shall be given control over the water for other purpose than navigation.

If the Senator from Alabama will meet the question suggested by the Senator from Georgia, or recast his bill so as to separate the private or State rights to this power from those of the Government, I believe the bill will receive the support of this body.

Mr. REED. Mr. President, I have not had the opportunity to examine this bill with any degree of care. I would very much like if it could go over until to-morrow or next day, in order that all Senators may have an opportunity to give it further consideration. I dislike very much to oppose the bill introduced by the Senator from Alabama, but I dislike a great deal more to vote for a bill that, from a surface examination, such as I have been able to make, may not only establish a bad precedent, but, I am afraid, has other evils, if not connected with it, evils which may flow out of it.

In a few moments' time only I want to call attention to one or two matters. To begin with, if I understand the bill from a hasty reading, it proposes to enter into a contract, and the bill we are now passing is in some respects similar to a franchise granted by a municipality to some corporation desiring to operate therein.

If we are to concede that the Government of the United States is to begin the business of improving streams, building



dams, and renting the property or the power out, then it seems to me perfectly patent that that grant should not be made to some one company without permitting all companies who may desire to bid for that power to have an opportunity to offer their bids, so that the best possible price can be obtained.

Mr. PENROSE. Mr. President, will the Senator yield to me for a moment?

Mr. REED. Certainly.

Mr. PENROSE. I do not desire to interrupt the Senator from Missouri if he wishes to continue his remarks on the pending measure, but as he has suggested that he would prefer to have the bill go over, if he is willing to yield to me for that purpose I will move that the Senate proceed to the consideration of the reciprocity bill.

Mr. LODGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Massachusetts will state it.

Mr. LODGE. The bill is not open to objection?

The VICE PRESIDENT. It is not. It is under consideration by unanimous consent.

Mr. LODGE. And it has been ordered to be engrossed and to be read the third time?

The VICE PRESIDENT. It has been ordered to be engrossed and to be read the third time.

Mr. LODGE. The question is on its passage?

The VICE PRESIDENT. The question is on its passage.

Mr. HEYBURN. Mr. President, a parliamentary question. The amendments have not been concurred in in the Senate?

The VICE PRESIDENT. Oh, yes.

Mr. LODGE. The amendments have been concurred in.

The VICE PRESIDENT. And the bill ordered to be engrossed.

Mr. LODGE. The question is on its passage.

Mr. HEYBURN. I think those who have given consideration to this matter would like to have the amendments voted upon separately, because, as I understand it, and I ask the Senator from Alabama to correct me if I am mistaken, the amendments contain all the provisions with reference to the price to be paid for the use of water.

Mr. JOHNSTON of Alabama. No; they do not.

Mr. HEYBURN. As I heard the amendments read I think many of them refer to that question. I think the bill had better go over.

Mr. PENROSE. If the Senator from Missouri is willing to yield to me for the purpose, I understand that my motion will be in order. If it is entirely agreeable to the Senator, I would suggest that the bill shall go over to another day, that we may proceed to the consideration of the reciprocity bill.

Mr. LODGE. Mr. President, a parliamentary question. That can only be done on motion?

Mr. PENROSE. I have made the motion.

Mr. LODGE. I beg the Senator's pardon.

Mr. JOHNSTON of Alabama. I hope the bill will not go over—

The VICE PRESIDENT. The Senator from Missouri [Mr. REED] has the floor and yielded to the Senator from Pennsylvania. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED. Certainly.

Mr. JOHNSTON of Alabama. I hope the bill will not go over, because the project of completing the improvement for navigation on Black Warrior River is held up pending action on this bill; and if it is passed in the present shape, adopting the recommendation of the Board of Engineers and the Chief of Engineers, who state that it will vastly improve the navigation and put up the trade to the railroads stretching out from Birmingham, producing millions of tons of trade. It can be completed in a little over one year, whereas it would take three years to finish the project as originally contemplated.

I will say to the Senator from Missouri that the bill recognizes the right of the State to control the surplus water, and it is the corporations organized by the State who will expend over a million and a half dollars for the purpose of impounding the waters above the dam in order to continue the flow for navigation during the dry season. I hope very much that the bill will not go over.

Mr. SMITH of South Carolina. I should like, with the permission of the Senator from Missouri, to ask the Senator from Alabama to explain clearly, so that I may understand it, why this rental should be proposed to be paid to the Government of \$1, as here stipulated in line 25 on page 6 and lines 1 and 2 on page 7?

Mr. JOHNSTON of Alabama. Simply because the Government is raising the dam from 21 to 63 feet.

Mr. SMITH of South Carolina. Is the Government raising the dam for the purpose of improving navigation or to furnish this power?

Mr. JOHNSTON of Alabama. For the purpose of improving navigation purely. The engineers say it is the best plan that can be devised for improving the navigation of the river, but incidentally it creates a water power, and the State having the right to the surplus water not needed for navigation, this right is conferred upon this corporation.

Mr. SMITH of South Carolina. I ask, and I am asking, a question seriously for information. Why, then, should the proposition be made to give the Government \$1 per so many horsepower?

Mr. JOHNSTON of Alabama. I say it is because of the increased cost of the improvement.

Mr. SMITH of South Carolina. Therefore the proposition is, in order to get the Government to raise the dam to create this water power, it is to be reimbursed, when, by raising the dam creating the water power, it will also increase the navigability of the stream.

Mr. JOHNSTON of Alabama. It certainly will. It is a mere incident to it. The power is developed.

Mr. SMITH of South Carolina. I should like to ask, with the permission of the Senator—

The VICE PRESIDENT. The Senator from Pennsylvania made a request of the Senator from Missouri. Does the Chair understand that that request was declined?

Mr. REED. No, Mr. President; I was not given the opportunity to accept it or decline it, because other Senators rose to ask questions. I would have preferred finishing the sentence I was uttering, but I am quite content that it shall stop here and that the Senator from Pennsylvania shall be recognized to make his motion. I did think it was only proper to allow these interrogatories to be made, and I am—

Mr. SMITH of South Carolina. With the permission of the Senator—

The VICE PRESIDENT. The Chair recognizes the Senator from Pennsylvania, if the Senator from Missouri yields the floor.

Mr. PENROSE. I would not persist in the motion if I thought it would delay the bill in which the Senator from Alabama is interested. I believe it to be a meritorious measure, but I think there is evidently enough opposition to the bill to make it evident that he will get it through speedily by letting it go over a day and permitting Senators to have an opportunity to examine it. Therefore, with the consent of the Senator from Missouri, I move that the Senate proceed to the consideration of the reciprocity bill.

#### RECIPROCITY WITH CANADA.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of House bill 4412.

Mr. SMITH of South Carolina. I wish to suggest that the very purpose for which I rose was to ask—

The VICE PRESIDENT. The motion is not debatable. The motion is in order, and it is not a debatable motion. The Senator from Pennsylvania moves that the Senate proceed to the consideration of House bill 4412.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. ROOT. Mr. President, on the 26th of January of this year the President sent to Congress a message in writing, accompanied by papers entitled "Correspondence embodying an agreement between the Department of State and the Canadian Government in regard to reciprocal tariff legislation"; also statistical data to show the effect of the above agreement upon the commerce and revenues of the United States and the Dominion of Canada.

The President in his message recommended legislation by Congress in accordance with the provisions of the agreement embodied in the correspondence thus transmitted by him. The bill which is now before the Senate, House bill No. 4412, is entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes"; and throughout the greater part of the bill; that is to say, down to the end of section 1, on the twenty-third page, the bill does follow the agreement which is described as between the Department of State and the Canadian Government in regard to reciprocal tariff legislation.

The action of the President in bringing before Congress this subject affecting the foreign relations of the United States in this manner has been the subject of criticism to some extent



in the public press and to some extent upon the floor of either House of Congress. I should not refer to this criticism were it not that it has received the dignity and authority derived from the advocacy of the distinguished senior Senator from Minnesota [Mr. NELSON], whose solid and sterling qualities we all recognize and admire.

I wish to submit to the Senate, sir, that the President has followed a course in bringing this subject before Congress which was entirely within his power, which was in accordance with precedents, and which was strictly in accordance with official propriety.

The agreement between the Department of State and the Canadian Government has been spoken of as a treaty. It is in no sense a treaty. It is one of those informal, temporary, and preliminary arrangements between the executive branches of two Governments which are exceedingly common and which are necessary for the effective conduct of negotiations regarding international affairs.

For example, in the year 1890, when the dispute between this country and Great Britain regarding the Alaskan boundary was at its height, the State Department entered into an agreement with the Government of Great Britain fixing the line on either side of which the jurisdiction of the respective countries should be recognized until such time should elapse as to make it possible for a final and definitive settlement of the controversy to be reached. That was not a treaty. It destroyed no property or jurisdiction and it created none, but it was a necessary arrangement in order that while the two Governments, through their constitutional treaty-making powers, were settling the question there might not be controversy and bloodshed. That controversy was ultimately settled by a treaty between the two countries for a tribunal to hear and determine the question, and that question has been heard and determined and has passed into history.

In 1906, when the controversy as to the rights of our fishermen upon the treaty coast of Newfoundland was rife, the Department of State and the Government of Great Britain entered into an agreement as to what the colonial authorities of Newfoundland should be permitted to do and should not do, as to what American fishermen should do and should not do. It was not a treaty, but it was an agreement between these executive branches of the two Governments temporary and preliminary to a final settlement, so that there might not be strife and actual conflict pending the settlement, and it held a condition of peace until by a treaty between the two countries and an arbitration the question was finally disposed of.

Mr. President, it makes no difference whatever whether the question is to be settled by treaty or by legislation so long as there is a question and it is deemed desirable by the executive authority charged with the conduct of negotiations that there shall be a preliminary arrangement until a final decision shall be reached upon the question by the duly constituted and empowered authorities of the two countries; it makes no difference whether those authorities who are to settle the question are the Senate with the President or the Senate with the House of Representatives and the President, whether the settlement is to come by the making of a treaty or to come by the making of concurrent laws by the two countries.

This agreement, Mr. President, is of a still lower and milder form than the agreements to which I have referred. It does not in its terms, as did those agreements, bind the Governments of the countries at all. It does not bind the United States nor Great Britain nor Canada. It does not bind the Government of the United States nor that of Great Britain nor that of Canada. It is merely an agreement relating to the course of conduct which will be followed by the President and the State Department on the one hand and the administration in Canada on the other, a thing which is done every day, without which the business of negotiation between different countries and the diplomatic intercourse between different countries can not be pursued. If a President or a Secretary of State or a minister of foreign affairs can not say what he will do, can not bind himself regarding his conduct; if he can not say, "I will answer your letter to-morrow"; if he can not say "I will give you an audience next week, Thursday"; if he can not say, "No action will be taken upon this until such time as you shall have had an opportunity for an interview and hearing," why, then, business can not go on. This agreement, I repeat, is but the most ordinary example of a class of assurance given by the diplomatic officers of one country to the diplomatic officers of another regarding their own conduct.

Now, the President has in a great measure executed the agreement that he made by the recommendation which he has sent to Congress, and when the matter comes before Congress it has no element of a treaty. There is no treaty. There is a recom-

mendation from the President with the information that Canada, in case we comply with his recommendation, is ready to enact similar legislation on her part. What is now before us is a bill which stands upon the same basis as all other bills to be considered and to be enacted by the legislative power of our Government.

This bill might have been the product of a treaty. The President, with the advice and consent of the Senate, might have made a treaty, under which there would have been an agreement to submit this legislation to Congress. He did not do so. There would have been no object in his doing so, because it would have resulted merely in making the same submission to the legislative power which is now made. He has taken the simple, direct, natural, and proper course in making this recommendation to Congress in accordance with his constitutional authority, and acting in good faith, pursuant to the agreement which he made regarding his own conduct and in accordance with his right, with precedent, and with propriety.

Mr. President, the agreement which was submitted to Congress by the President meets with my approval. There were many reasons why it naturally appealed to me and why my first impulses were to favor it, because by long years of labor in the direction of the settlement of differences and the promotion of kindly and friendly feelings between this country and Canada, I have acquired that habit of mind. Be that as it may, I was at the beginning, and always have been and am now, in favor of giving effect to the President's recommendation for the reciprocal arrangement with Canada.

But, Mr. President, I have not been permitted to maintain that view in any complacent or untroubled mood. It has been impossible for me to so steel myself against the opposition of the farmers of northern New York and of the paper-making communities of northern New York, in which tens of thousands of people are dependent upon that industry, that I could hold my course in support of this reciprocity agreement without disturbance and solicitude.

The farmers of northern New York, more in number than the entire inhabitants of many of the States represented in this Chamber, are in a great measure opposed to this agreement, and they have by thousands of communications to me made their opposition known. They fear that it will result in the reduction of the price of their products and in the depreciation of the value of their lands, and in making harder the severe conditions of their lives. I can not but be affected by their representations. They are the people among whom I was born and grew to manhood, among whom I live, and I would not have them feel that I am unmindful of their interests; nor, Mr. President, can I be indifferent to the speeches which I have heard here in this Chamber—speeches made by old and tried associates, upon whose sincerity I would stake everything I possess, for whose judgment I have respect, and with whose deep and evident feelings I have sympathy. But, Mr. President, nevertheless, I do still believe that the enactment of this reciprocal agreement with Canada is for the best and the permanent interest of our country, and I must be for it.

I think, sir, that my friends, the farmers in New York and the farmers all along the northern border, are unduly apprehensive. I think that they have greatly exaggerated in their own minds the injury which will come to them from the enactment of this measure. It is but natural that they should. All experience in the enactment of tariff laws indicates that those whose business is to be affected greatly exaggerate the injury which they apprehend from any legislation that at all reduces the measure of protection which they have had; and if it be true, as would appear from the report of the hearings before the Committee on Finance, that an organized effort has been made, with agents or attorneys employed to circulate among the farmers of the country statements of the injury that will be done to them, in order to arouse them to opposition to this bill, it follows necessarily that the arguments would lose nothing in the telling, and that to every farmer would come a tale of apprehension and of anticipated injury, painted in the most vivid colors. So that it is but natural that this feeling should exist; but I think it is greatly exaggerated.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. I do.

Mr. BORAH. I do not desire to interrupt the course of the argument of the Senator from New York, but I desire to ask if the Senator proposes before he closes to state whether or not, in his judgment, the reciprocity measure will affect the interests of the American farmer?

Mr. ROOT. Yes. I think, Mr. President, that the apprehension of injury, which is natural to any class of producers as to



whom there is a proposal to reduce the tariff, is very readily to be answered by the fact that the two countries are under substantially the same conditions. There may be little differences in labor cost here and there, but, in general, by and large, the labor conditions of Canada and the labor conditions of the United States are the same. It is not a question of competing with the familiar adversary, the pauper labor of Europe. The two countries are similar in their social conditions, in their laws, in their manner of doing business, of thinking and of acting, in their individual independence, and in their power to maintain their wage scale; and the proposal to take down the tariff wall between Canada and the United States, in so far as it is taken down by this reciprocity agreement, is much more like the taking down of a tariff wall between two States than it is the taking down of a tariff wall between the United States and the countries of Europe; and, for reasons which I shall give presently, I think that any ill effect that may be produced upon any of our farmers will be more than counterbalanced by the advantages which they will derive in common with the whole American people from the enactment of the bill.

Mr. President, I could not be indifferent to what has been said upon this floor as to the effect of this measure upon the general policy of protection. We have been told here that if this bill be passed it will drive a wedge into the protective system that now obtains, will rend it asunder, will split it into pieces, and will destroy it. We have been told that if this bill passes the farmers of the Northwest will see to it that the manufacturers of New York and Massachusetts and Pennsylvania suffer in their turn. These are serious propositions, Mr. President, for one who believes, as I believe, that the policy of protection has played a great part in the building up of the prosperity and the happiness of our country, and who believes, as I believe, that to continue the policy of moderate protection, reasonable protection, based upon ascertained facts, is of high importance to the future prosperity and happiness of our country.

A serious picture is presented to us by these declarations coming from men whose sincerity we respect; but, Mr. President, it appears to me that throughout this whole discussion, and very much of late in other discussions in this Chamber which have touched upon tariff questions, there has been always a suppressed premise—an assumption never stated but always present—that what we make tariff laws for is to benefit the manufacturer or the miner or the farmer or whoever may be engaged in the industry that we protect.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. Will the Senator permit me to read—

Mr. ROOT. I beg the Senator not to interrupt me at this point.

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. ROOT. I shall be very glad to afford the Senator an opportunity to read anything when I get through, but at present I would rather be permitted to go on.

Mr. BORAH. I will not, then, interrupt the Senator. I only wanted to read a statement of ex-Speaker Thomas B. Reed upon the question the Senator is now discussing.

Mr. ROOT. That is something which it is manifestly unfair to ask me to do.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. ROOT. Mr. President, I say there is running through the discussion of this subject the assumption that we make tariff laws for the benefit of the people who are engaged in the industries. That I deny. We make, or we ought to make, no law for the benefit of any man or any group of men. We care no more, Mr. President, neither you nor I, nor the Senators about me, for any manufacturer, great or small, of any article, be it steel or wool or cotton or whatnot, or for any miner, whatever he may be taking from the earth, or for any farmer, or for any granger upon this earth than we care for the men who are using their products. And we do not protect them for their benefit.

We pass all laws putting protection on the products of industry for the benefit of the whole American people, and if we can not sustain the imposition of a duty upon that ground, then it ought not to be imposed. If we do legislate for the benefit of the people engaged in any particular industry, then we are perverting our powers; are false to our duty.

Mr. President, it is because for the moment, for the time being, the people of the United States have come—many of them; I hope not all, but many of them—to believe that we have

forgotten this primary and fundamental rule of tariff legislation, because they have been led—misled, I believe—into the conviction that we have been legislating for particular men or particular groups of men instead of legislating for the interests of the whole country, that the people overturned the majority in the House of Representatives in the last election and very nearly, and in a certain sense altogether, changed the political complexion of the Senate.

Mr. President, when my friends, who declare that this legislation, if it be enacted, will be the death blow of protection, and their constituents, in the cool afterthought, consider, as they will consider, the interests of the whole people, they will forget their revenges, and they will vote in accordance with their principles, under the guidance of their love of their country, for protection or against protection, and if for protection for such measure of protection as they believe will help not the manufacturers of New York or Massachusetts, but the whole people of our country.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. I do.

Mr. McCUMBER. Does the Senator believe that while the public may forget their revenges in forgetting they will lose their sense of justice and equal justice to all the people?

Mr. ROOT. I do not. I count on their keeping it, and I know they will keep it and will act under their sense of justice—

Mr. DIXON. But, Mr. President—

Mr. ROOT. A sense of justice to the whole people of the United States. Mr. President, let me say this: No economic system, be it for protection, be it for a tariff for revenue, be it for free raw materials and high duties upon finished products—no economic system can stand upon any other basis than that which I am pressing as a necessary basis on which we must act regarding this legislation and on which my friends who are opposing this legislation ultimately will act.

Mr. DIXON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. ROOT. I hope the Senator will excuse me for just one moment. I believe a reasonable policy of protection is beneficial to our country; I believe it tends to make it more prosperous, more happy, more useful in the world, and that it provides a better home for our people, with greater opportunities for every one of us. But, Mr. President, I know that that view of protection can not prevail if protection is to be rested by its advocates upon a system of bargain and trade. I believe in protection, but I wish to buy no man's vote for it. If the majority of the people of the United States come to the conclusion that it is better for the country to abandon protection and establish a revenue tariff or free trade—under any name whatever—then let them do it, and I for one will put out no hand to stay them by bargaining and trading the respective private interests of different parts of our country. If they are wrong in abandoning protection, then they will find it out and come back. If they are right in abandoning protection, then we will confess our error, according to the outcome.

And, Mr. President, if we have so sinned against the duty of keeping always an eye single to the interests of all our country as to leave the system of protection to be tried not upon its merits, but upon its abuses, then we must endure the tribulation that is to come upon us before the hard lesson is learned that there is a sound and impregnable basis for a protective tariff law which concerns no private or individual interest, but concerns the power and prosperity and happiness of our whole country.

I wish to say one word further with special reference to the effect of this law upon the farmer. If I were at home I would say it in private conversation to my farmer friends about me in the country, and that is this: The taking off of the duty on farm products between this country and Canada, while it will in a technical sense, a strict sense, be accomplished by the passage of this bill, nevertheless was inevitable; and if it did not come in this bill it would come in its own way by ordinary tariff legislation.

No one can mistake, no one ought so to blind himself as to mistake, the changed feeling of the people of this country regarding the tariff as exhibited by the election of last fall, and not only by the election of last fall, but exhibited in 10,000 expressions all over the country and exhibited in the highest degree by the possibility of this reciprocal arrangement.

No one may suppose that this arrangement could be made by the President, carried through the House, certain of passage here in the Senate, if there were not a great public opinion



behind it. What we say here is of little consequence. Our arguments do not advance or retard it. It is moving along with a public opinion behind it.

Mr. President, there is no one here who believes that there is the least possibility that the people of the United States, until another revolution of sentiment has come, will permit the cost of their living to be increased by the imposition of a duty on ordinary foodstuffs.

Mr. BAILEY. Why on clothing?

Mr. ROOT. Why on clothing? On ordinary foodstuffs, just as soon as the consumption approaches the limit of production—

Mr. BAILEY. Mr. President—

Mr. ROOT. The Senator from Texas will excuse me for one moment. The Senator from Texas says, why clothing? Clothing does stand on a little different footing with regard to the general principle, because it is an illustration of the original idea that it was desirable for the country to have manufactures. Yet that is practically unimportant, because the opinion of the country undoubtedly is in favor of a large reduction of the duty on clothing.

Mr. BAILEY. Why a reduction on clothing—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. ROOT. I do.

Mr. BAILEY. Why a reduction on clothing and a total repeal on foods? One is as much a necessity of life as another. If we do not eat, we will starve. If we do not wear clothes, we will freeze.

Mr. ROOT. Not now. [Laughter.]

Mr. BAILEY. No.

Mr. ROOT. But that is true in winter.

Mr. BAILEY. That is true. But there is another and probably a more potential consideration, which the Senator from New York has not overlooked. If we undertook to go without clothing, even in this warm weather, the authorities would put us in jail.

Mr. ROOT. That might improve our condition. [Laughter.]

Mr. BAILEY. Now, you have the physical necessity in the winter and the legal compulsion in the summer time. You are under no more physical necessity with respect to food than you are with respect to clothes, and there is no law compelling you to eat, while there is one compelling you to wear clothes.

That being true, why is it that you are going to take the duty off of those necessities which come from the farm and not take it off of those necessities which come from the factory? There must be some explanation of that. The Senator says, because the factory was originally a part of the protective scheme. But the Senator from New York will not tell me—and the Senator from New York will not tell the country—that the factory is more essential to the prosperity and happiness of this country than the farm.

Mr. ROOT. Mr. President—

Mr. BAILEY. I suspect, if the Senator will permit me, that the reason for leaving it on the factory and taking it off the farm is that they fear that they may close up the factory, whenever the dividends disappear, and they know they can not close up the farm; that the farmer must go on producing at a diminished price; and he must meet a falling price by producing more as the price of what he produces falls, and in order to produce 50 bushels where 40 before sufficed, he calls his children from the schoolhouse to the field; and it is more the curse of the country that the farm shall fail in its prosperity than it is the curse of the country that the factory shall close.

Mr. ROOT. Mr. President, the Senator from Texas has intervened upon a statement of mine as to the state of feeling of the people of the country by asking me why some whom he designated as "they" are going to take off one duty and not another. I say I do not know why the people of the country take the view that there ought not to be duty on foodstuffs. It appears to me that they do take that view, and I perceive a very strong tendency toward the reduction of the duty on clothing. Now, I will have to refer the Senator from Texas to the newspapers, of which I know he is very fond.

Mr. BAILEY. And with which I am about as popular as the Senator from New York. [Laughter.]

Mr. ROOT. I congratulate the Senator from Texas upon the virtue which has brought him to that condition. I shall have to refer him to the newspapers to find out what is the origin and nature of that opinion.

Mr. BAILEY. I think I know.

Mr. ROOT. The fact that the farm will not close while the factory will close is suggested by the Senator from Texas. That distinction may be a reason for the difference in treat-

ment. Whether it is the reason in the public mind or not I do not know.

Mr. President, I have stated my view regarding the inevitable result of the process which is now going on upon the system of food duties. I never have thought that the duties which were imposed upon farm products were of any real general benefit to the farmer. They have been quite indifferent, affecting only several localities here and there, so long as our production ran far ahead of our consumption. But, with the increase of our cities as compared with our farming population and the using up of our waste lands and the fencing in of old cattle ranges and the reduction of the productive power of our land, we have about come to the point where the continuance of those duties, instead of being a matter of indifference to the people of the country, would result in putting up the cost of food.

I am not arguing the question. I am simply stating a reason why the farmers should not consider that this reciprocity arrangement is doing them any particular harm, because it is something that is sure to come to them anyway.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. I do.

Mr. McCUMBER. Does the Senator believe it would be a bad condition to arrive at when consumption and production were about equalized with each other? Does he not believe, on the contrary, that we would get nearer an element of justice upon the price of the article sold and the price that is paid for it upon the energy expended in producing the article and the energy expended in securing the money to purchase it? Does the Senator really feel that there would be an injustice to the consumers if the farmers produced just about what the consumers needed; and will not the Senator agree with me that to-day it takes a great deal more expended energy upon the farm to produce a bushel of wheat than it takes in the factory or elsewhere to buy the flour that is in that wheat? Is not that a correct proposition?

Mr. ROOT. There are several propositions involved in what the Senator has said. As to his first question, about the result of production and consumption, I think it is desirable to have a production for export. So long as we have any money to spend abroad we will spend it, notwithstanding the vigilance of the customs authorities. We will expend some of it, at all events, and I think it is a good thing to keep the balance of trade in our favor. So I like to see a surplus of production.

As to the other question, I do not think that I quite understand it.

Mr. McCUMBER. My proposition, I will say to the Senator, was simply that it requires far more labor on the farm to produce the wheat that goes into a loaf of bread than it requires in the city to earn the value of that loaf of bread.

Mr. BAILEY. The money to buy it.

Mr. ROOT. I am inclined to think that is true.

Mr. McCUMBER. Then should not the law, in so far as the law affects the value of the property, tend rather to equalize this condition than to cheapen the product of the farm for the benefit of the person in the city who purchases it?

Mr. ROOT. No; I do not think it is our business to equalize that condition by law. I think that is a matter of trade, which should be equalized by the natural forces which govern trade.

Mr. McCUMBER. Have we not been equalizing those conditions by our protective system, and is not the whole argument of protection based upon the idea that we do equalize our conditions as against the conditions of the foreign markets?

Mr. ROOT. That is an entirely different question, Mr. President. It is not that we equalize trade conditions as between ourselves. We have never undertaken to do that by our tariff legislation, and I do not think we ever shall undertake to do it.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Missouri?

Mr. REED. I do not want to interrupt the Senator, but I want to get some light.

Mr. ROOT. I am nearly through, and I hope the Senator will not—

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. REED. It was with reference to a statement which I understood the Senator to make.

Mr. ROOT. Very well; I yield for a question.

Mr. REED. Do I understand the Senator to say he concedes the point that it takes more labor to produce a loaf of bread than to earn the money to buy it in a city?

Mr. ROOT. I said I was inclined to think that was true.



Mr. REED. I differ very strongly from the Senator on that point.

Mr. ROOT. I may be wrong. I do not make myself responsible for the statement, but I am inclined to think it is true that it takes less labor to earn the money to buy a loaf of bread in the city than it does to raise the loaf of bread in the country—that is, that less money goes to the producer. Of course, there may be, and frequently is, any amount of putting up of price through successive middlemen, who destroy the relation between the producer's reward for his labor and the consumer's cost for the article which he consumes.

Mr. MARTINE of New Jersey. Mr. President—

Mr. ROOT. The great problem of distribution, of bringing the products from the original producer to the consumer is a subject which very much needs attention, but it is no part of a tariff law or a reciprocity agreement with Canada.

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Jersey?

Mr. ROOT. I do.

Mr. MARTINE of New Jersey. I want to ask the honorable Senator from New York if it is not his admission here, from what he has just stated, that the farmer has received no benefit from the tariff; that he, in other words, has been hoodwinked with the idea that the protective tariff was protecting him? Is not that your statement, sir?

Mr. ROOT. Mr. President, the distinguished Senator from New Jersey puts a question to me and then puts a gloss on his question.

Mr. MARTINE of New Jersey. I want it glossed so that the Senator will not get away from it.

Mr. ROOT. Yes; but the Senator from New Jersey must not hoodwink my answer.

Mr. MARTINE of New Jersey. I have no disposition to do that.

Mr. ROOT. Mr. President, my own opinion is that the farmers have not in general been benefited by the protection upon their food products.

Mr. MARTINE of New Jersey. I ask, have they in any particular—

The PRESIDING OFFICER. The Senator from New Jersey will please address the Chair and get permission to interrupt.

Mr. MARTINE of New Jersey. It is a part of my original proposition.

Mr. ROOT. I must be permitted to answer the question of the Senator, because a question put by him is always entitled to respectful consideration. I think that here and there, at certain localities along the border, farmers have been benefited by protection on their food products. I do not think that as a class in general up to this time or until perhaps within a very short period, the protection upon food products has been of any real advantage to the farmer. I do not think that the Senator from New Jersey is justified in inferring from that that the farmers have been hoodwinked. I think that the farmers have, upon their own good judgment, believed that it was beneficial to them to have this duty, probably more because they were looking forward to the time when it would be useful for them than that they thought it had already been useful for them as a class.

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield further to the Senator from New Jersey?

Mr. ROOT. I do.

Mr. MARTINE of New Jersey. The farmers have been looking for forty-odd years for the magnificent dream and the rainbow that was to come. But each year the struggle for the bread-and-butter winner and toiler has grown harder and harder and more bitter, while they have seen their farms sold out under foreclosure and the manufacturers growing wealthy beyond the dreams of avarice. Hence the farmers of this land have held up their hands to God and said, "Pray, how long!" and the last election decreed that it would be short. I can say to the distinguished Senator from my neighboring State, in which I was born, that your day of promise is too far off with your Republican talk of protection, and we want no more of it.

Mr. ROOT. Mr. President, I am glad the Senator from New Jersey has completed his question. He really ought not, under permission to put a question, make my poor, dull remarks the matrix in which shall shine the bright jewels of his eloquence. [Laughter.]

Mr. President, let me now pass to what seems to me to be the general and controlling consideration affecting this reciprocity agreement. I have always thought that the surrender of the right to impose tariff duties against each other by the original 13 States was the most valuable act forming a part of the Constitution of our Government. I have always thought that that

played a greater part in the prosperity and progress and friendly intercourse of our States than any other thing that they did or refrained from doing in forming the Government of the United States.

Mr. President, it seems to me that the existence of a political line between Canada and the United States does not militate at all against the proposition that in like manner the taking down of the tariff wall between these two kindred States, these two communities of people speaking the same language, living under the same system of law, with the same social and economic system, with the same wage scale in general, the same habits of thought and action, the same methods of conducting business, as similar in all respects as the people of the original 13 States were to each other, will bring the same benefits to the people of both countries.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. ROOT. I do.

Mr. CLARK of Wyoming. I suppose the Senator has considered, perhaps from that point of view, the difference that exists between Canada and the United States with relation to the imports from other countries which does not exist between the several States of the Union. I should like to have the Senator's view upon that point.

Mr. ROOT. Mr. President, I do not think that that at all affects the general proposition which I am making. I can see that the fact that Canada has a different tariff from the United States, as against the people of all outside countries, may prove an embarrassment in detail; but as to the general proposition that the utmost freedom—the greatest possible freedom—of trade between Canada and the United States will bring to both countries the same great blessings that it has brought to the different States of our Union, I think this matter of detail plays no part whatever. I do not think, Mr. President, that the people of New York have been injured because there was full and free trade between them and the people of Pennsylvania. I do not think the people of New York and Pennsylvania and New Jersey and Massachusetts have been injured in the long run, by and large, by the opening up of the great wheat and corn fields of the western prairies and the valleys of the Mississippi and Missouri, and the plains, and the Pacific. I think that while they may have been required to change the character of their crops here and there, while they have been hindered here in a particular respect or there in a particular respect, the fact that they, with their farms and their farmhouses, their fields and their crops, were part of the great activity, having available to them the vast and effective machinery of a great and powerful and prosperous country, has overborne and counterbalanced a hundred times over any harm that has come to them from the freest competition on the part of these other communities.

Mr. DIXON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. ROOT. I do.

Mr. DIXON. I have agreed with many things the Senator has said. I would not object strongly to vote for absolute free trade between Canada and the United States. But the Senator omits the basic criticism of the Republican Senators here who are in opposition to this treaty; that is, the rank injustice of making free trade in agricultural products alone and still leaving tariff duties and tariff walls between the two countries on manufactured articles. That is what we complain of, and that is what I should like the Senator from New York to elucidate with his wonderful ability.

Mr. ROOT. I thank the Senator. I hope he is serious.

Mr. DIXON. I am.

Mr. ROOT. Mr. President, we are dealing now with a reciprocity agreement.

Mr. DIXON. But it is not reciprocity.

Mr. ROOT. It is reciprocity so far as it goes, until you get to the second section.

Mr. DIXON. It is a jug-handled reciprocity.

Mr. ROOT. It is quite plain, and it is a fact—if it were not plain upon the papers, I think that we all of us know—that Canada was unable to go further than she did go in her reciprocal agreement regarding manufactured products, and we are left, therefore, in this position, that while our reciprocal legislation, that is, our legislation reducing certain duties in consideration of Canada's legislation reducing certain duties, goes only to the mark to which Canada could be brought in the agreement—the mark to which she found herself able to go in the agreement—nevertheless we are at liberty quite independently of that reciprocal agreement to go on and reduce or take off any other duties that we see fit.



Mr. President, I do not doubt that the American people will stand for doing whatever is just, and I do not want to prevent their doing whatever is just. If it is just and for the best interests of the whole country that the duties on the manufactured products of New York should be cut down, let them be cut down. That is no reason why we should not pass this reciprocity agreement. That is my view about it.

Mr. DIXON. Mr. President—

Mr. ROOT. In one moment.

Mr. BAILEY. Does the Senator think they ought to be cut down?

Mr. ROOT. I will not answer that question now, because we are not engaged in a general tariff discussion. I will say frankly to the Senator, I do not know. I have been hoping that from the study, the investigation of facts by the Tariff Board, we should get early light on the question as to what ought to be cut down and what ought not to be cut down.

Mr. DIXON. Should we not have waited on reciprocity until the Tariff Board reported?

Mr. ROOT. No; because the question involved in this reciprocity agreement, so far as it goes, does not depend upon any Tariff Board report, except this paper business, as to which I have been trying to confine the bill to the reciprocity agreement. The reciprocity agreement except in regard to that does not depend upon any Tariff Board report.

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER. Will the Senator from New York yield to the Senator from Texas?

Mr. ROOT. Certainly.

Mr. BAILEY. In other words, we do not need the advice of a Tariff Board until we touch the manufactured article. That is the philosophy.

Mr. ROOT. We do not need the advice of the Tariff Board until we come into some region in which the facts are so obscure and difficult that the man who runs can not read aright, so obscure and difficult to determine that we require the kind of assistance that a court calls upon a master in chancery for.

Mr. President, I wish to hasten to a conclusion. I have said that I think the same great benefits will come from freer trade with Canada that come to our States from tearing down the tariff walls between each other.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. ROOT. Certainly.

Mr. WILLIAMS. I do not want to interrupt the argument of the Senator from New York; I am very much interested in it; but I should like to ask him a question. Does he not think that this agreement, even though it does not go to the extent he has indicated, may be a first step toward yet freer trade relations with Canada in manufactures as well as in natural products?

Mr. ROOT. I hope it will. I share in the hope that was expressed by the House in the concluding clause that they put into the bill. In all such matters we have to go step by step, and every friendly arrangement which is made between two countries which works satisfactorily to mutual benefit makes some further friendly arrangement more possible and easy.

Now, let me return to the proposition. The fact that there is a deeper and broader political line between Canada and the several States than there is between the States to my mind makes no difference whatever in the practical certainty that the same great benefits will come from breaking down the trade barrier. The political line is of no consequence in such matters. It is the character of the people, their law, their language, their business habits, their conditions of life, that make intercourse upon equal terms natural and easy, which are of importance.

Mr. President, I have regretted to hear remarks made from time to time, some I have thought through inadvertence, and sometimes I have feared with a hope of beating this reciprocity agreement on the other side of the line, about the annexation of Canada. Let us dismiss from our minds, if it has found any resting place in the mind of any of us, any such idea. There may have been a time, generations ago, when it was possible that such an idea should receive consideration. That time has long since passed. Canada, with her wonderful progress of the last 20 years, has become a nation, and she is instinct with the spirit of nationalism. Never in the most assertive and vigorous times of our young Republic was there a greater sense of patriotic nationality than exists in Canada to-day. The political line will continue between Canada and the United States. Her loyalty, her love for her mother country, will continue; her separate nationality will continue; but across the line of political division will pass and repass the messages of trade and intimate business relation and intimate personal relation, which

will create for both peoples the blessings that our States have received from each other in our happy Union.

Mr. President, there is another consideration that I can not leave out of mind. When I consider the mighty power to which that northern neighbor is sure to grow; when I consider the 3,000 miles of boundary, when I look across the Atlantic and see the nations of Europe each an intrenched camp, each scanning the other across battlements and ranks of steel, with suspicion and distrust; and when I think of the possibility that we here may be robbed of the happy security in which we have so long lived by the growth of an unfriendly neighbor to our north, powerful and vigorous as we have been, I confess, sir, that all small calculation or detailed advantage or disadvantage sinks into insignificance compared with the overmastering duty of inaugurating and maintaining a national policy toward this infant of mighty strength—a policy which shall make two peoples bound together in the ties of friendship, rendering it impossible that we should duplicate the conditions of Europe.

Mr. President, one of the Senators here the other day recounted the number of times that Canada had knocked at our doors for reciprocity and had been turned away. Ah, yes; that is true; it is true that for many years we have conducted our Government under a policy that has wounded the people of Canada, has wounded their self-respect, wounded their feelings, made them indignant, and created unfriendly feelings toward the Government of the United States. It has been a stupid policy, and it is time for us to depart from it. Never again should the friendly approaches of this most friendly people be met with indifference. Now is the time, if we love our whole country and are willing to look far into the future, to shape our policy so that our strength shall help the growth of Canada and Canada's strength shall help our growth; that the power of each shall contribute to the power of the other; and that the enduring friendship of each for the other shall make the great English-speaking continent the strongest, the most prosperous, and the most happy part of the globe.

Mr. President, if this reciprocity measure is to be beaten, I hope it will be beaten in Canada rather than here. I hope it will not be beaten there; I do not think it will be; but let it be there rather than here, for the sake of the future, for the sake of the continuance of that good old agreement under which we have been for nearly 100 years without armament upon the Lakes.

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. ROOT. I do.

Mr. DILLINGHAM. I simply want to ask the Senator from New York, if he can do so, to tell the Senate when in the last 60 years Canada has ever expressed a willingness for reciprocity with the United States in anything outside of natural products?

Mr. ROOT. Mr. President, I am unable to answer the Senator's question in detail. I know that Canada has frequently asked for reciprocity and has been met with indifference.

Mr. DILLINGHAM. May I ask the Senator a further question?

Mr. ROOT. Yes; but let me finish answering the question the Senator has just asked. I know the subject was up for consideration in 1905; I know that it was up for consideration at the hands of the Joint High Commission in 1898; and in a few minutes, if I could go to the volumes of Foreign Relations, I could look up a number more; but I was quoting from a Senator who spoke here the other day, the Senator from Michigan [Mr. SMITH]. It is true that Canada has of late years, and perhaps always, put her special stress on natural products, but that does not at all vary or interfere with the proposition that I have just made.

Mr. DILLINGHAM. May I ask the Senator one further question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. ROOT. I do.

Mr. DILLINGHAM. I have seen it stated in the public prints—I do not know whether it be true or not—that in the negotiations between the two Governments which have resulted in this agreement the United States offered to Canada free trade in manufactured articles as well as in natural products, and that Canada, following the doctrine she has held for 60 years, ever since the abrogation of the treaty of 1854, absolutely declined to go further than as appears in this agreement, which is confined substantially to natural products.

Mr. ROOT. I have no doubt that our Government was desirous of going further, and I will contribute to the discussion



the interesting statement that the American commissioners in the joint high commission of 1898 offered to Canada free trade in all things upon the trifling condition that Canada would adopt our tariff, which naturally formed a disagreeable impression in the minds of Canadians, and which, of course, they were unwilling to accede to.

Now, Mr. President, a single word, and with a very few additional words I will be through.

Mr. McCUMBER. Mr. President, will the Senator yield for another question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. Yes.

Mr. McCUMBER. I think the Senator has unintentionally omitted something that he promised us in the beginning of this debate. I call attention to his statement that the injuries which the farmers of the Northwest would suffer would be counterbalanced by certain advantages which they would obtain from this treaty. The Senator has failed, as yet, to name any of those advantages. To make myself clear, let me call the Senator's attention to the fact that the farmers of the North and Northwest raise from 650,000,000 to 700,000,000 bushels of wheat—

Mr. ROOT. Mr. President—

Mr. McCUMBER. I merely wanted to put it in the form of a question, and then to ask the Senator, if they raised that amount, are they to get an increased market in Canada for their 650,000,000 to 700,000,000 bushels of wheat, for their 800,000,000 bushels of oats, for their 170,000,000 bushels of barley, or for their 30,000,000 bushels of flax? Do they get a Canadian market for any one of those things; and, if they do not, what do they get in the manufactured products of Canada that would be an advantage to them?

Mr. ROOT. Mr. President, I should not think that the products which the Senator from North Dakota has enumerated would find any considerable market in Canada, but I have been very unfortunate if I have made no lodgment in the mind of the Senator from North Dakota with the reasons which I have undertaken to give that his constituents, in common with all the people of our country, will derive benefits from the freer trade with Canada that will counterbalance any particular injury or limitation upon the sale of their crops.

Mr. McCUMBER. I simply want the Senator from New York to name one benefit that they will derive.

Mr. ROOT. I have endeavored to state a number.

Mr. President, there is an amendment proposed to this bill. The Senator from Mississippi [Mr. WILLIAMS], with that candor and courage that naturally accompany so acute a mind and so great ability as he has, has relieved me of any necessity of devoting very much time to explaining the relation of that amendment to this bill. I wish simply to state very briefly what it is. The agreement contains a schedule called Schedule A, and I now read from the heading of the schedule:

#### SCHEDULE A.

Articles the growth, product, or manufacture of the United States to be admitted into Canada free of duty when imported from the United States, and reciprocally articles the growth, product, or manufacture of Canada to be admitted into the United States free of duty when imported from Canada.

Under that heading in that schedule were enumerated a great number of articles, including pulp and paper. The bill, which was originally introduced in the House of Representatives, followed that schedule by providing for the free admission of those articles into the United States, with the condition that the President should find and proclaim that a bill for their free admission into Canada had been enacted. That bill was for the agreement pure and simple. That bill, however, was amended in the other House by taking pulp and paper out of that enumeration which followed Schedule A, putting it in a separate section—section 2—and dropping out the provision requiring the corresponding legislation on the part of Canada; so that, without any legislation on the part of Canada and without any provision being made for the free admission of our paper into Canada, it would, on the enactment of the bill, subject to certain conditions stated, come into the United States free of duty.

Mr. NELSON. Mr. President, will the Senator yield for a brief question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. ROOT. Certainly.

Mr. NELSON. Does the Senator from New York maintain that the second section of this bill is within the scope and purview of the reciprocity agreement as outlined in the message of the President and sent to the Senate?

Mr. ROOT. Mr. President, I maintain that it is not; and I was trying to explain why it is not. The Senator from Mississippi [Mr. WILLIAMS], in the remarks to which I referred a few moments ago, said on Monday last:

Mr. WILLIAMS. A great deal of importance has been attached to the idea that the Root amendment is in strict accord with the agreement between the two countries. Now, I always like to argue things frankly, for two reasons: First, because it is an honest thing to do; and, secondly, because it is always the wisest thing to do. The President of the United States has made no concealment of the fact that the Root amendment does express the original agreement in so far as it was an agreement at all. The House knew it expressed the agreement, and because the agreement as it was made would have resulted in exactly what I have said, perpetually possibly, indefinitely certainly, continuing the hold of the International Paper Co. upon the paper business of the country, the House changed it that far, knowing that when it changed it, it changed the agreement on the whole still further in favor of Canada, and that therefore Canada would not object.

That is a very fair statement of the exact situation. The amendment which I suggested to the Finance Committee and to which my name has been attached was designed to put the bill back where it originally was, so that the bill would cover nothing but the agreement. To vote for that amendment would be equivalent to voting against the change of the bill that was made in the House and which added to the bill, in addition to the reciprocity agreement and beyond that agreement, a further and different provision, taking off the duty from pulp and paper, which the agreement did not require to be taken off.

Mr. President, it may be that, as the Senator from Mississippi believes, the provision of the House bill taking the duty off of pulp and paper without any compensatory legislation by Canada is a better provision than the provision in the agreement. I am not going to discuss that now. I say that it may be that it is a better provision; it certainly is a different provision.

I have become satisfied that the amendment which bears my name will not be adopted. For many different reasons a large majority of the Senate are going to vote against it, some because they want the bill to be bad, some because they are afraid the bill would not pass in another place if the amendment were adopted.

I am not going to discuss the question whether the duty ought to be taken off. It is a modest duty—practically 10 per cent on the importation of paper—but I am not going to discuss the question whether it should be taken off. It evidently is going to be taken off, but I do not want it done under cover of the reciprocity agreement, and I am satisfied to have suggested the amendment and to have had it discussed here, because the discussion has stripped off the cover of the reciprocity agreement that was spread over this independent pulp and paper provision so largely by public misapprehension, although, I believe, honest misapprehension, on the part of great numbers of the newspaper journals of the country. There was also much misapprehension here in the Senate for a long time about it.

The amendment the House incorporated in the bill taking off this duty and making the wood-pulp and paper schedule a separate and independent proposition is going to pass, but it is not going to pass under any false pretenses, inadvertent or otherwise. It is going to pass because this Congress means to take that duty off, and not because it is a part of the reciprocity agreement.

Mr. BROWN. Mr. President—

Mr. ROOT. I will close in a moment.

Mr. BROWN. I wanted to ask the Senator a question right there.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. ROOT. Yes.

Mr. BROWN. With the provision in the bill as passed by the House, the duty would be taken off. With the Senator's amendment incorporated into the bill, it would not be taken off.

Mr. ROOT. Not until Canada took her duty off, which is in accordance with the agreement.

Mr. BROWN. That means never.

Mr. ROOT. No; it means the time the agreement specifies.

Mr. BROWN. What I want to get at is this: The Senator does not contend that his amendment removes the duty?

Mr. ROOT. Certainly not.

Mr. BROWN. But it leaves the duty now as it is?

Mr. ROOT. It leaves the duty until Canada shall comply with the terms of the agreement.

Mr. BROWN. In other words, it means that it never will be taken off.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. ROOT. Certainly.



Mr. WILLIAMS. In the Senator's opinion, is it not probable that Canada would never comply with the agreement—

Mr. ROOT. Mr. President, I—

Mr. WILLIAMS. Wait a moment—in the sense which he means, unless every Province in Canada removes the restrictions?

Mr. ROOT. I think that is probably true.

Mr. WILLIAMS. That is the point I wanted to make; so that if just one Province continues to maintain the restrictions we would not get the free entry of paper.

Mr. ROOT. Precisely. That is true.

Mr. President, now let me say one thing more, and I am done. I am and have been for the agreement, the whole agreement, and nothing but the agreement. The amendment made to the bill in the House, which I wish to negative by the amendment to which my name has been attached, has added to the agreement another separate and distinct tariff provision. I am against that for one reason, because I believe that if you make this reciprocity measure the vehicle for discussing all the tariff questions that can be raised the bill will never pass. The bill as passed by the House in this respect, as I have said, may be better than the provisions of the agreement. There may be a hundred measures better than the provisions of the agreement. My friend from North Dakota [Mr. McCUMBER] can doubtless put his finger on some that he thinks better; my friend from Iowa [Mr. CUMMINS] on some that he thinks better; half the Senators here can do likewise. I was against the addition to the agreement of this separate tariff provision, and I shall be against the addition to the agreement of any other tariff provision; and I, with the very small number of Senators who vote for this amendment, will stand in a singular group of consistency, for we shall take the same view about all the proposed changes of this reciprocity agreement.

While I say I shall be against all amendments that may be offered, I wish also to say that I do not doubt that there will be some amendments offered which as separate and substantive propositions I should favor; I shall be against them because I think it is our duty, acting upon the soundest public policy and with the broadest judgment as to the benefit of our country, to pass this reciprocity agreement. When we have done that, at convenient and proper time, if, as the result of passing that agreement or the result of anything else that has happened or shall happen, justice and the public good require that further changes be made in our tariff law, my friends upon both sides of the Chamber will find me trying to be reasonable and just in meeting their desires and striving to agree with their judgment.

Mr. HITCHCOCK. Mr. President, before the Senator takes his seat—

The VICE PRESIDENT. The Senator from New York has yielded the floor. The Senator from Nebraska is recognized.

Mr. HITCHCOCK. Then for a few moments I should like to direct the attention of the Senate to a reply to the Senator from New York upon the paper schedule in section 2. The Senator from New York says that he is for the agreement, for the whole agreement, and for nothing but the agreement. It seems to me, however, Mr. President, that the amendment which the Senator from New York offers would make of section 2 an absolute dead letter, just as completely as if the Senator from New York should move to strike section 2 out of the bill. The Senator from New York knows, and every other Senator knows, that all of the Canadian Provinces will not waive, abolish, or do away with their export duty upon print paper, pulp, and pulp wood; and the Senator from New York knows, and every other Senator must know, that until that is done the United States will not admit pulp and paper and pulp wood from the Provinces in question.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. Permit me to finish my sentence. And the Senator from New York must know that so long as that condition exists, so long as the United States exercises its right to discriminate against a single Province of Canada, Canada will not admit paper, pulp, and pulp wood from the United States; and then, under the amendment which the Senator from New York offers, the President of the United States could not issue his proclamation and the United States could not admit paper, pulp, and pulp wood from any Province of Canada, although it is the very purpose of section 2 to admit these articles from such Provinces as waive those restrictions.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. I yield.

Mr. GALLINGER. The Senator from Nebraska states without qualification that every Senator knows that if this amend-

ment prevails it will practically nullify the paper clause of the agreement. Does not the Senator think that the negotiators on the part of Canada had an intelligent conception of what the agreement would do, and does he not think that the bill now before the Canadian Parliament, which contains the very provision embodied in the amendment, indicates that the Canadians are not so sure that the restrictions will not be removed as the Senator from Nebraska seems to be?

Mr. HITCHCOCK. On the contrary, Mr. President, I think that the bill now pending before the Canadian Parliament proves conclusively that Canada anticipates and expects that the Provinces—or some of the Provinces—may not remove that selfsame duty on exports, and for this reason that the bill before the Canadian Parliament contains this proviso:

*Provided also, That such wood pulp, paper or board, being the products of the United States, shall only be admitted free of duty into Canada from the United States when such wood pulp, paper or board, being the products of Canada, are admitted from all parts of Canada free of duty into the United States.*

Mr. GALLINGER. Yes; but that—

Mr. HITCHCOCK. There is a manifest attempt in that bill to compel the United States to admit paper, pulp, and pulp wood from all Provinces of Canada regardless of whether those Provinces maintain their export duty or not.

Mr. GALLINGER. It seems to me that Canada is dealing in that proviso with her own Provinces; that it is not suggested that the United States shall make any compulsion upon Canada. The provision is that this so-called reciprocity shall become operative when we have access to the Canadian market and all parts of Canada, precisely what the bill in the Canadian Parliament says.

Mr. HITCHCOCK. On the contrary, it was distinctly understood that the negotiators on the part of Canada were not able to guarantee to the United States that these export duties were to be removed by all the Provinces, and for that reason—desiring to have them removed—they consented to this proviso, embodied in the bill as it comes to us from the House of Representatives, which, if we take it just as it comes from the House of Representatives will, in the course of time, be a force which will gradually compel one Province after another to remove the export duty, because any Province which maintains the export duty will realize in a short time that its market for wood and wood pulp is restricted. Not only will the American manufacturers be unable to buy Canadian wood and wood pulp without paying the American tariff, but the Canadian manufacturers will not be able to buy the wood and the wood pulp from that Province for export to the United States because of the proviso that paper made from those products shall not be admitted into the United States without the payment of the duty.

And hence it was believed by the original negotiators, and I have no doubt it was believed by the framers of this bill in the House of Representatives, that to maintain there the proviso that such paper, pulp, and pulp wood should only be admitted free of duty from those Provinces that abolished their export duty, would result in the course of time in forcing each Province, as a commercial proposition, to abandon the attempt to restrict its exports.

Mr. CLARK of Wyoming, Mr. SMOOT, and others rose.

The VICE PRESIDENT. Does the Senator from Nebraska yield and to whom?

Mr. HITCHCOCK. I yield, first, to the Senator from Wyoming.

Mr. CLARK of Wyoming. Assuming for the sake of the argument that the Senator from Nebraska is right as to the agreement, I will ask him whether, as he understands the agreement, it provides or looks to future reciprocal trade in these articles after the prohibition may have been removed from Canadian timber? Does he understand that as a part of the agreement it looks to future possible reciprocal trade in these articles?

Mr. HITCHCOCK. That would ultimately be the result of the measure.

Mr. CLARK of Wyoming. Now let me ask the Senator: Is there anything in section 2, which is now before us, that hints in the slightest degree at any reciprocal trade in these articles, even if the effect should be to cause the provincial governments to remove these restrictions? Is there anything in section 2 that hints in the slightest degree at reciprocal trade between the two countries?

Mr. HITCHCOCK. There is not in this particular bill; but as we know from an official publication published under the order of the Senate, the bill before the Canadian Parliament does provide that the American manufacturers of paper shall be permitted free access to the Canadian markets.

But, Mr. President, I want to say to the Senator from Wyoming that the market in Canada for paper made in the United States is of comparatively insignificant value to the American



manufacturers of paper as compared with the great benefit which they are likely to derive from the importation into this country of the raw materials or the partly manufactured material of wood pulp from which they manufacture their paper.

Mr. CLARK of Wyoming. Mr. President—

Mr. HITCHCOCK. They themselves before the Committee on Finance and on every other opportunity have shown that one reason why they are at a disadvantage in manufacturing paper is that the Canadian manufacturer has the cheaper wood to manufacture his paper from, and the purpose of this bill is to give to the American manufacturer the cheaper Canadian wood.

Mr. CLARK of Wyoming, Mr. WILLIAMS, and others rose.

The VICE PRESIDENT. To whom does the Senator from Nebraska yield?

Mr. HITCHCOCK. Just now to the Senator from Wyoming.

Mr. CLARK of Wyoming. Assuming that the Senator's argument is correct, has this section any place in a reciprocal bill? Ought it not to come in a tariff bill—properly before the Senate and the House as a tariff bill? In other words, the Congress of the United States to-day is engaged in revising certain schedules of the tariff—the woolen schedule and the cotton schedule. Why should we select from Schedule M one article in that schedule and leave the balance of the schedule untouched, thus effecting tariff legislation pure and simple under the guise of a reciprocity agreement.

Mr. HITCHCOCK. We would do that because it was embodied as one of the schedules which came to us from the President, and the language of the bill as it comes from the House is exactly in the language of the paragraph of that agreement as transmitted to the Congress of the United States by the President.

I now yield to the Senator from Mississippi.

Mr. WILLIAMS. I merely wanted to suggest, in connection with the remark the Senator made a moment ago, that the evidence showed that the sole advantage of the Canadian paper manufacturer and the sole disadvantage of the American paper manufacturer consisted in the price of the raw material.

Mr. HITCHCOCK. That is very true, and I am at a loss, for my part, to understand why the paper manufacturers of the United States are making such a determined opposition to this paragraph if all they want is a fair opportunity to compete upon equal grounds with the Canadian manufacturer. The American market for paper is 15 or 20 times the size of the Canadian market, which is comparatively insignificant; and if what they want is to get raw material upon the same basis as the Canadian manufacturer gets his raw material this is the very bill that will give it to them.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I do.

Mr. SMOOT. Do I understand the Senator from Nebraska to say that the House bill is in conformity with the agreement between the two countries?

Mr. HITCHCOCK. I say that so far as the language of the House bill goes there is not a word in it that was not in the message of the President of the United States as transmitted to us.

Mr. SMOOT. The Senator qualifies it now. He now says "as far as the language goes."

Mr. HITCHCOCK. I used that same qualification before.

Mr. SMOOT. We all admit that. But the Senator qualifies his statement now. I did not catch it if he thus qualified it before.

In relation to the Root amendment, the Senator, in speaking a little while ago, said that the Root amendment has no relation to the agreement as negotiated, and that it was not in conformity, as I understood him to say, to the agreement.

I have here a telegram printed in the daily press June 8, which reads as follows:

The reporting of the reciprocity agreement by the United States Senate was heard with satisfaction at Ottawa. The Root amendment to the pulp and paper clause in no way injures the pact from the Canadian point of view. It is known that Finance Minister Fielding, who is now in Europe, expressed the opinion that the Root amendment merely gives effect in a clearer way to the intention of the treaty makers. It is hoped here that the Senate will act favorably and promptly on the bill as reported by the committee.

Mr. HITCHCOCK. I will say, in answer to the Senator from Utah, that I am not arguing this matter from the Canadian standpoint. I am not seeking to make an argument for the benefit of Canada. I am making an argument for the benefit of the people of the United States. I am making an argument for the purpose of showing that the Root amendment might just as well have been a motion to strike out section 2, because it will nullify section 2 and make it a dead letter, by making it impossible to enforce it.

And I may go further, Mr. President. I may say that the bill, as drawn and submitted to the House of Representatives, was first submitted to the President of the United States, and had then, and has now, his unqualified approval.

Mr. SMOOT. In his speech in Chicago the President plainly stated that the Root amendment was in conformity with the agreement, and I do not think there is a doubt about it, and I do not think there is any Senator in the Senate who will dispute it.

Mr. HITCHCOCK. He, however, said at the same time that any amendment, even though apparently innocent and even though upon its face designed to carry out the agreement, was likely to imperil the passage of the reciprocity bill; and that is the position we take here—that any amendment placed upon this bill is likely to defeat it.

Mr. SMOOT. You certainly will admit it is not going to defeat it in the Canadian Parliament, because the bill before the Canadian Parliament to-day has, if not the exact language, the meaning that is contained in the Root amendment. So if it can not defeat it there, and if it can not defeat it in the Senate, where is it going to be defeated?

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HITCHCOCK. I yield.

Mr. CUMMINS. I should like to ask the Senator from Utah who is the author of the legal opinion he has just read in our hearing?

Mr. SMOOT. This is a reported statement from Finance Minister Fielding.

Mr. CUMMINS. A report from him, or a statement by some Canadian reporter with regard to some rumor with respect to the opinion of Mr. Fielding? Read it again.

Mr. SMOOT. I will read that part of it referring to him. It says:

It is known that Finance Minister Fielding—

Mr. CUMMINS. Who knows it? Who is the author of this dispatch?

Mr. SMOOT. It is a dispatch sent by the Associated Press.

Mr. CUMMINS. Oh, I see; gathering up the reports in Ottawa?

Mr. SMOOT. They have not gathered and reported very many rumors in relation to this bill which were detrimental to it; I will assure the Senator of that.

Mr. CUMMINS. In the United States.

Mr. SMOOT. Or any other country.

Mr. CUMMINS. I do not know about that.

Mr. SMOOT. All the letters issued by the American Newspaper Publishers Association to every paper in the United States to support the measure were sent to their correspondents in Canada.

Mr. CUMMINS. But the Senator from Utah is not asking the Senate to accept a rumor of that sort, disseminated by the Associated Press, as a deliberate opinion of a responsible minister of the Canadian Government, is he?

Mr. SMOOT. No. If it were based upon this alone I would not, but it is not based upon this alone, because Minister Fielding has already reported to the Parliament of Canada a provision in full accord with the Root amendment as carrying out the agreement between the two countries.

Mr. CUMMINS. I do not want to take the time of the Senator from Nebraska, but whenever an opportunity is given me I intend to endeavor at least to show that the Root amendment is not in harmony with the agreement, but on the contrary is in exact opposition to the purpose or object of the agreement.

Mr. SMOOT. Then, of course, the Senator disagrees with the President.

Mr. CUMMINS. This is not the first time he has.

Mr. SMOOT. I am aware of that. I was going to say many other Senators do not agree with him either; but, of course, that is a question to be discussed hereafter.

Mr. CUMMINS. I do not know that the President has ever said that it was in conformity with the agreement.

Mr. SMOOT. He said so in his Chicago speech.

Mr. HITCHCOCK. I have no desire to hold the floor further and shall be glad to yield it.

I simply want to repeat that the inevitable effect of the Root amendment will be to nullify section 2, and if it is desired to do that we might just as well adopt a motion to strike out section 2 from the bill.

Mr. SMOOT. The result of the Root amendment will be this: If Canada wants our market free she must make her market free to us. It is bad enough to have free trade between the two countries, but without the Root amendment the bill gives Canada a free entrance to our market and our



manufacturers can not get into Canada unless they pay the 25 per cent duty.

Mr. HITCHCOCK. Of course I have very serious doubts whether the Senator from Utah would favor absolute free trade in paper between the United States and Canada, but assuming that he did hold such a position, the Senator from Utah must know that the Canadian Government possesses no power to compel her Provinces to do away with the export duty, and as long as she lacks that power to place it in a treaty or to place it in legislation it was specifically designed that the United States could begin to give free entry to paper and pulp and pulp wood to those Provinces which imposed no export duty, which in the course of time would, through commercial means, compel the other Provinces to do what the Canadian Government did not have the power to compel them to do.

Mr. SMOOT. I should like to ask the Senator how he knows all that. It is not expressed in the agreement nor in the Canadian bill. And how does the Senator know the intent or design of the negotiators?

Mr. HITCHCOCK. How do I know that the Canadian Government has no power to compel her Provinces—

Mr. SMOOT. Oh, no; as to the agreement or as to the intent or design of the agreement that he was informing the Senate about. How does the Senator know the intent of the agreement? We can only judge by the wording of the agreement.

Mr. HITCHCOCK. I will call the Senator's attention to some of the wording of the agreement.

Mr. SMOOT. I will be glad to listen to it.

Mr. HITCHCOCK (reading):

*Provided, That such paper and board, valued at 4 cents per pound or less, and wood pulp, being the products of Canada, when imported therefrom directly into the United States, shall be admitted free of duty, on the condition precedent that no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly) shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board.*

Mr. SMOOT. Go right on and read the proviso.

Mr. GALLINGER. "Provided"—

Mr. SMOOT. Read the proviso. That is a part of the agreement as reported to the Senate by the President.

Mr. HITCHCOCK. I am only reading that part to prove to the Senator that the Canadian negotiators took into account the fact that the United States Government desired to compel the Provinces to abolish their export duty; and not being able to guarantee that they would abolish the export duty, the negotiators agreed that the United States should only admit those products from the Provinces which did.

Mr. SMOOT. Now, if the Senator will read the proviso, the statement will be complete.

Mr. HITCHCOCK. My statement is absolutely complete to show that the negotiators took the export duty into account and opened the door to the United States to secure the abolition of the export duty, although the Canadian Government itself was not able to guarantee it.

Mr. SMOOT. Every Senator knows that. But there were two parties to the negotiation, and the negotiators for the United States demanded that paper from Canada should come into the United States free, provided—now, if the Senator will read the proviso I asked him to his statement will be complete.

Mr. HITCHCOCK. It was to come in only from those Provinces which abolished the export duty.

Mr. SMOOT. Of course, but—

Mr. HITCHCOCK. The amendment of the Senator from New York [Mr. Root] would make it impossible for anyone to get paper or wood pulp or pulp wood from any Province without admitting it from all Provinces, regardless of the export duty.

Mr. SMOOT. That is exactly the wording of the treaty—that they are to be admitted from all parts of Canada. That was the proviso. Canada insisted upon it, and that is a part of the Canadian bill to-day.

Mr. HITCHCOCK. All parts of Canada, provided those parts did not impose an export duty.

Mr. SMOOT. It does not say that.

Mr. HITCHCOCK. It says it exactly, I think.

Mr. SMOOT. Read the proviso.

Mr. HITCHCOCK. But, as I have stated, I do not desire longer to occupy the floor. It seems to me a self-evident proposition that the Root amendment is essentially an effort to nullify section 2. The short way to nullify section 2 is to move to strike out section 2 and bring it to a vote on that proposition.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. HITCHCOCK. I yield.

Mr. CLARK of Wyoming. In order that I may understand the position of the Senator from Nebraska, I desire to ask him a question. Is it his desire, by section 2 or otherwise, to incorporate anything in the pending bill that was not provided for in the agreement between the two Governments?

Mr. HITCHCOCK. No; it is not.

Mr. CLARK of Wyoming. Then there must be a difference of opinion as to the effect of the Root amendment and as to the effect of section 2. Would the Senator be willing, instead of section 2, to have the exact wording of the compact between the two nations restored to the bill?

Mr. HITCHCOCK. I would not be willing myself to consent to any amendment which would send this bill back to the other body, where it might not finally reach concurrence.

Mr. CLARK of Wyoming. Has the Senator so little confidence in the other House as to believe that they would want to put anything in the bill that was not included in the agreement?

Mr. HITCHCOCK. I have every confidence in the other body and am perfectly willing to take the bill as they sent it to us.

Mr. CLARK of Wyoming. The Senator has a degree of modesty as a Senator which he never had when he was a Member of the House.

#### PURE FOOD AND DRUGS ACT.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 75), which was read:

#### To the Senate and House of Representatives:

Your attention is respectfully called to the necessity of passing at this session an amendment to the food and drugs act of June 30, 1906 (34 Stat., 768), which will supplement existing law and prevent the shipment in interstate and foreign commerce and the manufacture and sale within the Territories and the District of Columbia of worthless nostrums labeled with misstatements of fact as to their physiological action—misstatements false and misleading even in the knowledge of those who make them.

On June 30, 1906, after an agitation of 20 years, the food and drugs act, passed by the Fifty-ninth Congress, received the approval of the President and became law. The purpose of the measure was twofold—first, to prevent the adulteration of foods and drugs within the jurisdiction of the Federal Government; and, second, to prevent any false labeling of foods and drugs that will deceive the people into the belief that they are securing other than that for which they ask and which they have the right to get. The law was received with general satisfaction and has been vigorously enforced. More than 2,000 cases have been prepared for criminal prosecution against the shippers of adulterated or misbranded foods and drugs, and seizures have been made of more than 700 shipments of such articles. More than two-thirds of these cases have been begun since March 4, 1909. Of the criminal cases more than 800 have terminated favorably to the Government, and of the shipments seized more than 450 have been condemned and either relabeled or destroyed. In every case in which the food seized was deleterious to health it was destroyed. A large number of cases are now pending.

The Supreme Court has held in a recent decision (*United States v. O. A. Johnson*, opinion May 29, 1911) that the food and drugs act does not cover the knowingly false labeling of nostrums as to curative effect or physiological action, and that inquiry under this salutary statute does not by its terms extend in any case to the inefficacy of medicines to work the cures claimed for them on the labels. It follows that, without fear of punishment under the law, unscrupulous persons, knowing the medicines to have no curative or remedial value for the diseases for which they indicate them, may ship in interstate commerce medicines composed of substances possessing any slight physiological action and labeled as cures for diseases which, in the present state of science, are recognized as incurable.

An evil which menaces the general health of the people strikes at the life of the Nation. In my opinion, the sale of dangerously adulterated drugs, or the sale of drugs under knowingly false claims as to their effect in disease, constitutes such an evil and warrants me in calling the matter to the attention of the Congress.

Fraudulent misrepresentations of the curative value of nostrums not only operate to defraud purchasers, but are a distinct menace to the public health. There are none so credulous as sufferers from disease. The need is urgent for legislation which will prevent the raising of false hopes of speedy cures of



serious ailments by misstatements of fact as to worthless mixtures on which the sick will rely while their diseases progress unchecked.

At the time the food and drugs act was passed there were current in commerce literally thousands of dangerous frauds labeled as cures for every case of epilepsy, sure cures for consumption and all lung diseases, cures for all kidney, liver, and malarial troubles, cures for diabetes, cures for tumor and cancer, cures for all forms of heart disease; in fact, cures for all the ills known at the present day. The labels of many of these so-called cures indicated their use for diseases of children. They were not only utterly useless in the treatment of the disease, but in many cases were positively injurious. If a tithe of these statements had been true, no one with access to the remedies which bore them need have died from any cause other than accident or old age. Unfortunately, the statements were not true. The shameful fact is that those who deal in such preparations know they are deceiving credulous and ignorant unfortunates who suffer from some of the gravest ills to which the flesh of this day is subject. No physician of standing in his profession, no matter to what school of medicine he may belong, entertains the slightest idea that any of these preparations will work the wonders promised on the labels.

Prior to the recent decision of the Supreme Court the officers charged with the enforcement of the law regarded false and misleading statements concerning the curative value of nostrums as misbranding, and there was a general acquiescence in this view by the proprietors of the nostrums. Many pretended cures, in consequence, were withdrawn from the market, and the proprietors of many other alleged cures eliminated false and extravagant claims from their labels, either voluntarily or under the compulsion of criminal prosecution. Nearly 100 criminal prosecutions on this charge were concluded in the Federal courts by pleas of guilty and the imposition of fines. More than 150 cases of the same nature, involving some of the rankest frauds by which the American people were ever deceived, are pending now, and must be dismissed.

I fear, if no remedial legislation be granted at this session, that the good which has already been accomplished in regard to these nostrums will be undone, and the people of the country will be deprived of a powerful safeguard against dangerous fraud. Of course, as pointed out by the Supreme Court, any attempt to legislate against mere expressions of opinion would be abortive; nevertheless, if knowingly false misstatements of fact as to the effect of the preparations be provided against, the greater part of the evil will be subject to control.

The statute can be easily amended to include the evil I have described. I recommend that this be done at once as a matter of emergency.

WM. H. TAFT.

THE WHITE HOUSE, June 20, 1911.

The VICE PRESIDENT. The message will be printed and referred to the Committee on Manufactures.

#### HOUSE BILL REFERRED.

H. R. 11019. An act to reduce the duties on wool and manufactures of wool was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. WILLIAMS and Mr. GORE addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi first rose. The Senator from Mississippi.

#### ELECTION OF SENATORS BY DIRECT VOTE.

Mr. WILLIAMS. Mr. President, I rise for the purpose of asking unanimous consent to insert in the RECORD an article from the Charleston News and Courier of June 17 upon the subject of the Bristow amendment.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. Mr. President, I will ask the Senator what will be the permanent value to insert it in the RECORD. Some of the newspapers of my State have had editorials on that question, but I had not thought of making them a part of the RECORD.

Mr. WILLIAMS. I can only say to the Senator from New Hampshire that unless I had thought it was a valuable contribution to the discussion and a valuable thing in the way of forming public opinion through the CONGRESSIONAL RECORD I would not have asked the unanimous consent; and I can hardly answer the question more in detail without reading the article itself. I think it contributes to clarify the atmosphere upon that particular subject. I think it will have an influence with some Senators when the question comes back to the Senate from conference.

Mr. GALLINGER. The matter was very thoroughly debated on both sides. I did not participate in the debate, because I

am not in the habit of talking much in the Senate now; but after the joint resolution has passed the Senate and gone to the other body, it seems to me we ought not to lumber up the RECORD here with all sorts of newspaper articles. That is the only feeling I have about it. Still, if the Senator particularly desires it, I will not object, of course.

Mr. WILLIAMS. I do desire it, and I would rather not be forced to read it out aloud.

Mr. GALLINGER. I will not ask the Senator to do that.

Mr. WILLIAMS. It would put me to trouble unnecessarily.

Mr. GALLINGER. I want to say that I think never in the history of the Government has so much extraneous matter been inserted in the RECORD, as newspaper editorials and speeches of individuals, as during the last year. While I am not going to object to the request of any Senator, I am very careful myself not to ask leave to insert these matters. I had a very interesting newspaper article the other day on the textile industry of the United States, which I thought ought to be printed, but I sent it to the Committee on Printing, because I was not quite sure that I ought to ask that it should go into the RECORD.

Mr. WILLIAMS. I quite agree with the Senator from New Hampshire as a general rule, and my only reason for asking this unanimous consent now was that I thought it would contribute to general information and to molding public opinion. The question having passed beyond the Senate, we expected that it would come back later on a different proposition, which is under discussion now, and I did not want to wait and take up the time of the Senate away from gentlemen who desire to discuss the immediate proposition before us.

Mr. GALLINGER. I have been hoping that the House would accept the joint resolution as it was amended by the Senate, and that it would not come back.

The VICE PRESIDENT. No objection is heard, and the paper referred to by the Senator from Mississippi will be printed in the RECORD.

The matter referred to is as follows:

#### THE BRISTOW AMENDMENT.

[From the Charleston (S. C.) News and Courier, June 17, 1911.]

It is a rare event to find so many newspapers, of all shades of political opinion and in all parts of the country, united in the opinion that the adoption by the Senate of the Bristow amendment to the resolutions providing for the adoption of a constitutional amendment so that Senators might be elected by direct vote of the people was, in the language of Mr. Hearst, a piece of political hypocrisy. It is interesting, furthermore, to follow the discussion as to what would happen or what should happen in case the House should acquiesce in the Bristow amendment.

That stance Ogdenite journal, the Brooklyn Eagle, thinks that "the effect of the constitutional amendment in its amended form would be the nullification of the restrictions now imposed by the Southern States upon negro suffrage." This surprises the New York Tribune, which proceeds to argue that "there is no grant of power in the Senate amendment which is not as old as the Constitution," but, strangely enough, omits to explain why in this event the amendment should have been proposed or adopted.

The New York Press, like the Tribune, a Republican organ, but with decided "progressive" leanings, and which has strongly advocated popular election of Senators, declares that "nothing could more clearly show the insincerity of the Bristow amendment to the Borah joint resolution for popular election of United States Senators than the character of most of its supporters," and thinks that "under cover of protecting the freedom of suffrage in the black belt the promoters of this insincere and unenforceable project intend to deny the people of all the States the right to elect their Senators."

The New York World, the most forceful Democratic newspaper of America and an advocate of direct elections, declares that "the Bristow amendment is unnecessary and mischievous," that "it merely arouses sectional animosities and repels the movement for the election of Senators by direct vote," and thinks, like the Press, that "the fact that LORIMER, DU PONT, GALLINGER, GAMBLE, GUGGENHEIM, ROOT, SMOOT, PENROSE, and STEPHENSON voted for it explained its real meaning far more clearly than the text itself."

The New Haven Journal-Courier, a strongly edited independent newspaper, regrets that the issue should have been beclouded by the injection of the Bristow amendment, and declares that "the people of this country have a right to decide what is best for them in the organization of their political household, and if in this regard the Senate has played fast and loose with them, those responsible will feel the lash of popular discredit when the time comes." The Hartford Daily Courant, Republican, quotes from a speech delivered in the Senate by Mr. RAYNER, of Maryland, last week, in which he predicted that it would take "a tremendous struggle in the Southern States if you put it (the Bristow amendment) in to carry, perhaps, any of them," and also from an interview which he gave to the Baltimore Sun, after the adoption of the Bristow amendment, in which he said: "I am satisfied that no practical danger will result from the adoption of this amendment." "Our own impression," remarks the Courant, "is that the Marylander was a better prophet last week than this." The New York Globe, Republican, thinks that the Senate amendment as passed was "fostered in prejudice or of a desire to mix things up and to prevent action."

These are the views of some of the most influential of the northern newspapers. Let us turn now to the South. That the resolution will meet with great opposition in this part of the country, if submitted to the States for ratification as passed by the Senate, is made plainly evident. The Montgomery Advertiser, for example, thinks that "the proposed reform is prohibitively dear if we have to buy it with our complaisant acceptance of the atrocious force bill which a small band of devoted and courageous Senators defeated in the last generation when it appeared certain of enactment." Another influential Alabama newspaper, the Mobile Register, thinks that "the legislatures of the



South are not likely to accept the amendment upon the terms that it is offered. Fortunately, there is available the State primary, which meets the needs of the people in expressing their choice for Senators, so that no loss will be suffered if the amendment fails of confirmation."

The Petersburg Index-Appeal does not think that the evident attempt which has been exhibited to embarrass the South would succeed, but it is not surprised that "Southern Senators oppose the Bristow amendment, remembering the attempts by the Republican Party to enact the force bill, giving the General Government absolute control of the election of Members of the Senate. The attempt failed, but it showed the animus of the Republican Party."

The Athens Banner entertains the view that "if the advocates of the direct vote are in earnest and really want to see this amendment to the Constitution passed they will be speedy in their work of defeating the Senate amendment when it comes to the House for action. With that amendment tacked on, there is practically little hope for the ratification of the amendment to the Constitution, and there should be no hope for favorable action thereon, for such action would be to the detriment of the country."

The Newberry Observer and the Charlotte Evening Chronicle are agreed that, in the language of the Observer, "it might be better for the Southern States and for all other States that advocate State rights and are opposed to Federal interference in their elections to let things remain as they are for the present."

"We ought," says the Houston Post, "to have direct election of Senators unhampered by such a provision as Mr. BRISTOW would insert in the amendment." The New Orleans States hopes that "the Democratic House will think well and carefully before accepting the resolution as amended by the Senate." A like sentiment is expressed by the New Orleans Times-Democrat. "The voters," says the Times-Democrat, "understand the issues involved, and most of them have read between the lines of the Bristow and Sutherland riders. If the question is left open for a season, they can be depended upon, we think, to insure its early settlement in the right way."

Thus the matter stands. It is not likely in the circumstances that the House Democrats will accept the resolution, as it has come from the Senate. Indeed, it would not be surprising if the trickery which again has been resorted to by that body should have the effect of bringing about a Federal constitutional convention, at which the matter could be settled once for all. That is not desirable in the present mental state of the American people, but the United States Senate seems determined to force it.

#### TARIFF ON WOOL.

Mr. McCUMBER. Mr. President, I think it proper at this time to make a very few remarks concerning the message of the President concerning the pure-food law.

Mr. GORE. Mr. President—

The VICE PRESIDENT. Will the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I will yield.

Mr. GORE. I should like to make a parliamentary inquiry at this juncture.

The VICE PRESIDENT. The Senator from Oklahoma will state it.

Mr. GORE. I was addressing the Chair when House bill 11019 was referred to the Committee on Finance. I desire to submit to the Senate a motion upon that subject. I should like to know whether I will still be permitted to submit a motion.

The VICE PRESIDENT. Certainly. The Chair did not understand that the Senator wished recognition in connection with that bill. Certainly the Chair will recognize the Senator to make a motion in reference to the bill.

Mr. GORE. Mr. President, I desire to move that the bill be referred to the Committee on Finance with instructions to report the same back on or before July 4 next.

The VICE PRESIDENT. The Senator from Oklahoma moves that the bill which was laid before the Senate by the Chair be referred to the Committee on Finance with instructions, and that the bill be reported back to the Senate on or before July 4.

Mr. GORE. On that I ask for the yeas and nays.

Mr. GALLINGER. Mr. President, I regret the absence of the chairman of the committee. I have never known a proposition of that kind to be offered, I think, to the Senate concerning a very important bill, and I feel sure that the Senate will not agree to that motion. It would be a departure from all our custom in matters of this kind, and I think a very direct reflection upon the committee.

Mr. GORE. Mr. President, I certainly have no intention to reflect upon the Committee on Finance, but I think there is a general feeling, at least on this side, that this woolen bill should be brought before the Senate as soon as possible. I do not care to obstruct the progress of the Canadian agreement at this time, but I should like to have the Committee on Finance understand that it is the sense of the Senate that this measure shall be reported at an early day. I may say further that I do not care to press the motion at this moment, during the absence of the chairman of the Committee on Finance.

Mr. WILLIAMS and Mr. CULBERSON addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Oklahoma yield?

Mr. GORE. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I suggest to the Senator from Oklahoma to make the date July 10. July 4 is a holiday.

Mr. GORE. I am aware of that, but the motion was on or before July 4, and I thought if we could be emancipated from

Schedule K, or at least initiate the emancipation on that day, it would be well. I will accept the suggestion of the Senator from Mississippi and say on or before July 10, and on that motion I should like to have the yeas and nays.

Mr. GALLINGER. There will be some debate on that motion, I will assure the Senator.

The VICE PRESIDENT. Will the Senator from Oklahoma state the motion, so that the Secretary may be sure of the date he now proposes?

Mr. GORE. Mr. President, wait just one moment, that I may ascertain the day of the week.

The VICE PRESIDENT. Saturday is July 1.

Mr. GORE. My motion is that House bill 11019 be referred to the Committee on Finance with instructions to that committee to report the same back to the Senate on or before July 10.

Mr. President, I am not sure whether the motion is debatable or not.

Mr. LODGE. Oh, yes.

The VICE PRESIDENT. It is a debatable motion.

Mr. GORE. I do not think a motion to refer is debatable.

Mr. GALLINGER. Yes; it is.

Mr. LODGE. Any motion to refer is debatable.

The VICE PRESIDENT. It is a debatable question. Does the Senator desire to debate it?

Mr. GORE. It is not debatable in reference to petitions and memorials. Perhaps a different rule prevails in reference to bills.

Mr. GALLINGER. Mr. President, I have no desire to debate this motion at length, but I want to suggest to the Senate in all seriousness that here is a bill involving very grave changes in our tariff laws. It may be my own fault, but I have not read the bill. We have been very actively engaged in work here during the time since the House has been considering this measure, and I certainly want very much to acquaint myself intimately with the provisions of the bill before I should vote to instruct the committee to report it back at any given time.

I personally feel, Mr. President, that the woolgrowers and woolen manufacturers of this country have a right to be heard on this bill, and a right to be heard at length on the bill.

We passed a bill relating to wool a few years ago. I am not going to stop now to enumerate what it did to the woolgrowers and woolen manufacturers of this country. It is a matter of history. Whether or not this bill will accomplish the same result, if it is enacted into law, I am not so sure; but, at least, we ought to have an opportunity to look at it. At least we ought to give to the Committee on Finance the usual courtesy of sending a bill to that committee for their consideration and giving them an opportunity to examine it. If they do not report it at a time that will suit the views of the Senator from Oklahoma, or any other Senator, a motion can then be made to discharge the committee from its further consideration and have it brought into the Chamber. But to do that when a bill is first presented to the body is so extraordinary, so unusual, so unfair to the committee and to the Senate itself, that I can not believe, however earnestly Senators may feel on this question, that they will vote in favor of the motion.

Mr. President, that is all I care to say about it. I chance to be a member of the Committee on Finance for the first time in my legislative experience. I feel personally that I have a right to consideration in this matter and that I should be permitted to examine the bill in the committee and to have it discussed there before the Senate takes it into its hands and deprives the committee of its usual privileges in matters of legislation.

Mr. PENROSE. Mr. President, this bill refers to what is probably the most complicated schedule in the whole tariff law. It was framed after a careful and thorough investigation extending over months, and I may say years. It has received attention such as has not been given any other schedule in what is known as the Payne bill, or another preceding tariff bill.

As far as there is any record or public knowledge the bill has been reported from the House Committee on Ways and Means and passed by the House of Representatives without any opportunity for a hearing on the part of the great interests involved. It is a schedule which concerns the shepherd in the West and the manufacturer in the East, a schedule which embraces the varied industries of a continent, and the Senate is asked to pass upon it within two or three weeks after its reception by this body.

More than that, Mr. President, it would be idle to report the measure to the Senate until the reciprocity measure is disposed of, because this body could not be fairly or properly called upon to consider it.



If this motion is made seriously, it seems to me it is uncalled for and unreasonable. If it is simply made to call public attention to the zeal of the Senator from Oklahoma in favor of the bill, I hope the purpose will be satisfied and the motion will not be pressed.

Mr. MARTIN of Virginia. Mr. President, the doctrine of courtesy to which the Senator from New Hampshire alludes, it seems to me, is carried a little too far. There is certainly not a Member of the Senate who would be more unwilling than I to treat the Finance Committee with any discourtesy, but it does seem to me that this notion about courtesy ought not to stand in the way of legislation. It appears to me the essentials of the business life of this country are entitled to some consideration, and ought not to be thrust aside by talk about courtesy to a committee.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. MARTIN of Virginia. I yield to the Senator.

Mr. GALLINGER. If the Senator will permit me, I did not put my suggestion upon that ground. I said it was usual to refer important bills to committees without accompanying the reference with instructions. But I went further than that, and I went to the very point the Senator has just now announced, that the interests of the people should be considered. That is true. The interests of the men who raise sheep and the men who manufacture the wool into clothing are entitled to our consideration and ought to have our consideration, and they ought to have an opportunity to be heard.

Mr. MARTIN of Virginia. But, Mr. President, I think the 90,000,000 people who wear woolen fabrics are entitled to a little more consideration than the few people who raise wool or manufacture woolen fabrics.

Mr. GALLINGER. If the Senator will permit me—

The VICE PRESIDENT. Does the Senator from Virginia yield further to the Senator from New Hampshire?

Mr. MARTIN of Virginia. I yield.

Mr. GALLINGER. That depends upon whether they wear fabrics made out of American wool or foreign wool, or wear fabrics made in American mills or foreign mills. I do not think they are entitled to much consideration if we are going to blot out the woolen industry of the United States and import our goods for the benefit of the 90,000,000 people wearing them.

Mr. MARTIN of Virginia. That is just exactly the difference between the Senator from New Hampshire and myself. I feel that the people that wear these fabrics are entitled to consideration, and when they buy them they are not making any great inquiry whether the wool is raised abroad or in this country.

Mr. GALLINGER. Some people are not.

Mr. MARTIN of Virginia. The great body of the American people are not the people who have these articles.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. MARTIN of Virginia. In a moment.

Mr. LODGE. I want to ask the Senator, What is his plan? Does he intend to set aside the reciprocity bill?

Mr. MARTIN of Virginia. There is no intention to set aside the reciprocity bill.

Mr. LODGE. Does the Senator intend to get the reciprocity bill out of the way by July 4?

Mr. MARTIN of Virginia. Before the 10th. I hope it will be considered with all possible dispatch and disposed of as soon as possible; but in the meantime there is no reason why the Finance Committee should not be doing some work on other bills of great importance which are before it.

We talk about the necessity of having time. We have not heard anything about the farmers' free-list bill, which has been before the Finance Committee for several weeks. If they are so anxious to have hearings, why have they not had some hearings on the farmers' free-list bill?

Mr. GALLINGER. We have had some.

Mr. LODGE. I am perfectly willing to discuss all three bills at once. I am only trying to find out what the plan is. If the plan is to give instruction to the Finance Committee to report at once, or practically at once, they are somewhat engaged now in trying to get the reciprocity bill through, and we shall have to discuss the wool bill on this matter. There is a good deal to be said on this bill, although the Senator may not think so. There is a good deal to be discussed, and we will discuss it on this motion. I am perfectly ready to do it.

Mr. PENROSE. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. MARTIN of Virginia. Certainly.

Mr. LODGE. I do not think it will expedite either bill.

Mr. PENROSE. If the Senator from Virginia is in favor of the reciprocity measure, as I understand he is, I am astonished that he raises a proposition in this body now which will open a flood of discussion calculated to keep us here until the snow appears on the ground, thereby endangering and jeopardizing the measure for which this special session was primarily called. The proposition to attempt to report the wool bill or any other bill of that dimension while the reciprocity measure is before the Senate is rank absurdity and shallow demagogism, and I am too much—

Mr. MARTIN of Virginia. Mr. President, I decline to yield any further.

Mr. PENROSE. All right.

Mr. MARTIN of Virginia. The Senator does not seem to be willing to confine himself to the courtesy—

Mr. PENROSE. I hope the Senator's feelings have not been hurt by my endeavor to state the truth.

Mr. MARTIN of Virginia. Mr. President, I decline to yield any further.

The VICE PRESIDENT. The Senator from Virginia declines to yield further.

Mr. NELSON. Will the Senator from Virginia yield to me for just a moment?

Mr. MARTIN of Virginia. I will yield to the Senator from Minnesota.

Mr. NELSON. It seems to me, if we are to have reciprocity in all other agricultural products besides wool with Canada, we might as well have reciprocity with our own people in wool; and therefore I am very anxious to have this wool bill voted upon about the same time that the reciprocity bill is voted upon.

Mr. CRAWFORD. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from South Dakota?

Mr. MARTIN of Virginia. I yield to the Senator from South Dakota.

Mr. CRAWFORD. I wish to say to the Senator that I think perhaps we would get along with just as much dispatch if the Committee on Finance will understand that the sooner they report the free list bill and this woolen bill, and these other bills, the sooner they will be able to get unanimous consent here to consider the reciprocity bill, because I, for one, in the frame of mind I am in now, will not consent to fixing a day to vote on the reciprocity bill, that singles out the American farmer, until some other proposition can be considered at the same time.

Mr. MARTIN of Virginia. Mr. President, there seems to be a determination on the part of the Finance Committee to withhold from the Senate reports on matters of vital importance that have been referred to that committee to be considered and reported back to the Senate. If there had been any disposition shown by the Finance Committee to give prompt attention to these matters and to make prompt report to the Senate, I am very sure the Senator from Oklahoma would never have submitted the motion which he did submit.

The question has been asked several times on the floor of the Senate as to what course the Finance Committee contemplated pursuing in respect to these matters of vital importance to the entire country and not one word has been said to indicate that there was any purpose to report anything to the Senate except the reciprocity bill, which has been reported.

This talk about hearings impresses me as an indication of a purpose to delay. If there was any need of hearings, protracted hearings, I would be the last one to dissent from that course; but we had hearings on the Payne-Aldrich bill elaborate enough and comprehensive enough to elucidate these subjects, if they can be elucidated at all by hearings. Between now and the 10th of July there is ample time for any additional information which may have accumulated since the Payne-Aldrich bill was under consideration.

I believe that all this talk about hearings is simply an indication of a purpose to hinder and delay the progress of legislation on tariff questions, and I do not see that any discourtesy—

Mr. CLAPP. Will the Senator from Virginia yield a moment?

Mr. MARTIN of Virginia. I will.

Mr. CLAPP. I do not think that we ought to attach so very much importance anyhow to the question of hearings. There is a bill here framed as to every detail affecting one of the greatest industries of this country, that was put into Congress with all the prestige of the dictum from the presidential office without one moment of hearings, and I think there is no particular necessity of our being so very particular from this time on about hearings.

Mr. CRAWFORD. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from South Dakota?



Mr. MARTIN of Virginia. I yield to the Senator.

Mr. CRAWFORD. I was going to suggest that there does not seem to be any great necessity of the Finance Committee spending a long time considering these tariff bills, because after we have waited for weeks for them to conclude their hearings we are unable to get any report or any recommendation from them. They simply report the bill here with no conclusions or no result of the deliberation connected with it. The sooner we get these bills here from that committee, it seems to me, the better.

Mr. MARTIN of Virginia. Mr. President, I do not expect any valuable information to come to the Senate through the means of the hearings of which we hear so much. I do not believe any Senator on this floor expects to have any material benefit given from the hearings that we hear talked of so much. We all realize that this talk about hearings is simply an indication, as I have said, of a purpose to hinder and delay the progress of legislation on these subjects. I can understand that the Senator from Pennsylvania does not want this citadel of protection, as the woolen schedule is so often called, interfered with in any way, and so it is his purpose to hinder and impede and delay legislation in respect to the wool schedule.

Mr. JOHNSTON of Alabama. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN of Virginia. I yield to the Senator.

Mr. JOHNSTON of Alabama. I wish to ask the Senator from Virginia if my recollection is correct that the Payne bill was received from the House one day and reported to the Senate the next?

Mr. GALLINGER. Oh, no.

Mr. JOHNSTON of Alabama. That is my recollection.

Mr. MARTIN of Virginia. My impression is that it was very early reported.

Mr. JOHNSTON of Alabama. Within a few days.

Mr. MARTIN of Virginia. There was a brief hearing, but my memory does not enable me to state the length of time. Some member of the committee, of course, will be able to answer that question.

Mr. JOHNSTON of Alabama. Without any hearings it was reported back in a few days.

Mr. SMOOT and Mr. PENROSE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Virginia yield, and to whom?

Mr. MARTIN of Virginia. I yield to the Senator from Utah who addressed the Chair.

Mr. SMOOT. For the information of the Senator from Alabama, I refer him to the hearings in the House upon the woolen schedule in the Payne bill.

Mr. JOHNSTON of Alabama. Oh, yes.

Mr. SMOOT. As far as the Senate committee is concerned it had the bill under consideration for weeks before it passed the House or was reported to the Senate.

Mr. JOHNSTON of Alabama. I understand that the committee had hearings while the bill was considered in the Senate.

Mr. SMOOT. No; we had no hearings while the bill was considered in the Senate.

Mr. JOHNSTON of Alabama. My recollection is distinct on that point, that the passages of the Senate Office Building were filled up with woolen manufacturers in hearings upon the Payne-Aldrich bill while the bill was being considered in the Senate.

Mr. SMOOT. Of course I do not know what the Senator wants to infer as hearings, but I am sure that the Committee on Finance had no hearings while the Payne-Aldrich bill was being considered by the Senate, but did hear, informally, parties for weeks before it was reported to the Senate.

Mr. BACON. That is not what the Senator from Alabama alludes to.

Mr. BAILEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. MARTIN of Virginia. I will yield to the Senator in a moment, when the Senator from Utah gets through.

Mr. SMOOT. I should have said the Republican members of the Finance Committee held informal hearings for weeks before the bill was reported to the Senate.

Mr. BAILEY. The Senator from Utah needs to refresh his memory. He will find statement after statement made while that bill was pending that they had not held any hearings. There were, as I recall, no notes taken of what was said. That the Republican members did confer frequently and fully with those interested in the preparation of the bill has been

generally understood, and was avowed at that time. Of course, the Senator from Utah does not want to incorporate into the Record the statement that the Finance Committee held meetings.

Mr. SMOOT. I said it was the Republican members of the Finance Committee, the majority members, and that has always been the case in framing tariff bills. The Democratic Party, when in power, did the same thing, and a tariff bill was formed with the minority members excluded.

Mr. BAILEY. If the Senator will permit me, I think that is true.

The VICE PRESIDENT. Does the Senator from Virginia yield further to the Senator from Texas?

Mr. MARTIN of Virginia. I yield.

Mr. BAILEY. While it is not permissible to refer to what transpires in the other body, I admit that the Democratic members of the Ways and Means Committee framed the bill which passed the House yesterday. I make no complaint. I only rose to correct the statement of the Senator from Utah, which was that the Finance Committee had held meetings.

Mr. MARTIN of Virginia. I should like to ask the Senator from Utah, if his memory will enable him to answer the question, How long was it after the bill came from the House to the Senate before it was reported to the Senate?

Mr. SMOOT. A very few days, Mr. President, as I remember; but it had been considered by the Republican members of the Finance Committee—

Mr. MARTIN of Virginia. Can the Senator tell me how many days?

Mr. SMOOT. I can not state, because I do not remember exactly, but I will say within a few days. I simply say to the Senator that the Republican members of the Finance Committee held informal hearings for 12 hours a day for over two months before the bill was passed by the House.

Mr. CULBERSON and others addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Virginia yield?

Mr. MARTIN of Virginia. If the Senator from Utah is through, I yield to the Senator from Texas.

Mr. CULBERSON. I wish to ask the Senator from Utah if it is the purpose of the Republican members to exclude the Democratic members from the hearings they purpose having on the wool schedule?

Mr. SMOOT. That question has never been discussed by the Finance Committee at this session, but I will say that in the framing of a tariff bill in the past, whether the Republican Party is in power or the Democratic Party is in power, the minority members of the Finance Committee have been excluded when the bill was being framed.

Mr. MARTIN of Virginia. I think the Senator from Utah is far from accurate in the statement which he has made.

Mr. SMOOT. Well, Mr. President—

Mr. MARTIN of Virginia. Just let me get through, if you please. I do not think that it has ever been the custom in the Senate to use the methods of procedure which were used by the Republicans of this body pending the consideration of the Payne-Aldrich bill.

Mr. SMOOT. Mr. President—

Mr. MARTIN of Virginia. Just let me get through, if the Senator pleases.

Mr. SMOOT. I thought the Senator was through.

Mr. MARTIN of Virginia. It is entirely reasonable and proper for the Members of the majority party to retire to themselves or to exclude the minority when they go into the consideration of any question, but never until the consideration of the Payne-Aldrich bill, according to my knowledge and information, has the majority of any committee proceeded with such hearings as were had by the Finance Committee in the consideration of the Payne-Aldrich bill. My former colleague made open protest many times upon the floor of the Senate, and a resolution was offered by him from his seat in the Senate protesting against the extraordinary and unprecedented course taken at that time by the majority members of the Finance Committee.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I yield.

Mr. SMOOT. I was going to call the Senator's attention to the very fact that his colleague had introduced such a resolution and it was discussed on the floor of the Senate time and again.

It was admitted here during that discussion that the Democratic tariff bill when it was formed was formed in the same way, and the Senator's colleague stated that whether it was or



not be objected to the practice. It is exactly as the Senator from Texas says, as I have always understood it, and he agrees with me in the statement I have made.

Mr. BAILEY. No, Mr. President; I do not agree that it was ever the practice of either body to exclude the minority from the hearings. The practice was merely to exclude the minority when the majority came to propose, consider, and adopt amendments. My understanding was that you all claimed before that that you were not having hearings.

Mr. SMOOT. Mr. President, in answer to the Senator from Texas, I wish to say that while we were considering and framing the tariff bill—that is, the Republican members of the Finance Committee—as the schedules were reached, there were parties interested for and against different schedules who were before the committee—not in the way of public hearings—but they were there to submit any information that they had or that they desired to give to the committee. The schedules were formed in that way.

Mr. MARTIN of Virginia. Mr. President, the Senator from Utah has gotten about to the place where I started. They were secret hearings behind closed doors, from which—

Mr. SMOOT. Mr. President—

Mr. MARTIN of Virginia. Just let me get through or, if the Senator wants to elaborate his remarks into a speech, I will sit down, or if he wants to ask a question, I am ready to yield, or I am ready to yield for any reasonable and appropriate statement in reply to what I am saying, but not for a long speech.

Mr. SMOOT. The Senator was saying they were secret hearings, and I thought he was through, and so I was going to—

Mr. MARTIN of Virginia. I am not through. That is exactly what I was saying, that at that time the majority members of the Finance Committee repudiated the idea that they were hearings, and the charge made on the floor of the Senate by my former colleague and others was that hearings were being conducted; that parties were being examined; that their statements were being taken down in shorthand and typed up; and that the minority members of the committee, and the Members of the Senate generally, were not having the benefit of the information gathered by those members of the Finance Committee. I feel that we are entitled to see and to hear what takes place in the nature of hearings before a committee of the Senate. The Finance Committee is but an agency of the Senate; its members are not the masters of the Senate; and surely the Senate has a right to instruct its agencies.

Mr. CLAPP. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. MARTIN of Virginia. I yield to the Senator from Minnesota.

Mr. CLAPP. The Senator from Virginia will recall that two years ago the Finance Committee were the masters of the Senate.

Mr. MARTIN of Virginia. They usurped the power of masters, but I never recognized their right to act as the masters of the Senate then, and do not now. They are the agencies of the Senate, and they should respond to the will and pleasure of the Senate. If they could then report a House bill on two or three days' time for consideration, surely they ought to be able to report a House bill now between this time and the 10th day of July, especially when, as the Senator from Mississippi [Mr. WILLIAMS] suggests, it is on the same subject in respect to which elaborate hearings have already been had in public as well as in secret by the majority members behind closed doors.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia further yield?

Mr. MARTIN of Virginia. I do.

Mr. SMOOT. Mr. President, in order that the Senate may understand the conditions as they existed, I wish to state that the then chairman of the Committee on Finance reported to the Senate that there were no public hearings being held; that there was not a reporter in the committee room at any time when the bill was under consideration; but that the House hearings had been printed, that there were nine volumes of those hearings, and that the committee used the House hearings in connection with the consideration of the bill. The chairman of the committee so stated to the Senate; and there never was a time, I say again to the Senator from Virginia, when there was a shorthand reporter inside of the room of the Committee on Finance, and no testimony was reported.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. I yield.

Mr. WILLIAMS. Mr. President, I was not a Member of the Senate then, and I am inquiring for information. I understand that the Senator from Utah made the statement that there were no reporters allowed in the committee room. Then I understood him to make, some time before that, the statement that the Republican members did confer with the parties in interest or parties interested—parties who wanted to be heard.

Mr. SMOOT. Parties who desired to be heard for or against the schedule that was under consideration.

Mr. WILLIAMS. Yes. Then I understood the Senator from Utah a little bit after that last statement to which I have called his attention and a little bit before the first statement to which I have called his attention to state that these so-called conferences were not secret. How does he explain that?

Mr. SMOOT. Mr. President, they were not made public any further than as to the men who were interested in giving the committee information. I do not know that you would call statements before any committee of the Senate public hearings unless the public could attend the committee meeting. Those informal hearings were held for statements to be made by parties interested, the same as happens often before other committees of the Senate.

Mr. WILLIAMS. Were not the hearings, I will ask the Senator from Utah, upon the Canadian reciprocity bill public?

Mr. SMOOT. They were public hearings.

Mr. WILLIAMS. Were they not taken down by stenographers and published every morning for the purpose of being made public?

Mr. SMOOT. They were.

Mr. WILLIAMS. Then how can the Senator say that he does not know that any hearings before any committee could be called public?

Mr. SMOOT. We have hearings before committees of the Senate every day in the week, but they are not reported and taken down by a stenographer and are not public hearings. That is the character of the hearings which were held by the Republican members of the Finance Committee upon the Payne-Aldrich bill.

Mr. WILLIAMS. By the Republican members.

Mr. MARTIN of Virginia. Mr. President, we all know that the procedure of the Republican members of the Finance Committee, pending the consideration of the Payne-Aldrich bill, was up to that time unprecedented; and we all know the controlling party is accustomed to having members of its committees get together and deliberate upon public measures and exclude from those deliberations the minority, but the course of the Finance Committee at the time referred to was unprecedented. As the Senator from Utah [Mr. SMOOT] says, the hearings were not public. I say all the more was it subject to complaint when secret hearings were held for weeks, when a stream of people poured into the room of the Finance Committee from day to day and occupied the attention of that committee for a very long time; and yet the world was excluded from knowledge of what was going on in that committee room, and even the Senate was never allowed to learn the testimony that was given for the enlightenment of the committee. I feel that every Senator has as much right to enlightenment on a subject before a committee of the Senate as has the committee itself.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Virginia further yield?

Mr. MARTIN of Virginia. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I should like to ask the Senator if the Committee on Ways and Means of the House, which has just reported the wool schedule, held public hearings or did the public know what they were going to decide upon, and were the Republican members of the Ways and Means Committee of the House present when that schedule was formed?

Mr. MARTIN of Virginia. Mr. President, I venture to say that there were no hearings had by the Ways and Means Committee of the other House behind closed doors when the minority party in the House was excluded from the room, but I will add, Mr. President, that I am not here to review the action of the House committee nor the action of the House. It is not within the province or jurisdiction of the Senate to arraign the other House or any committee of that House. I do not propose to go into a discussion of the procedure had before the House of Representatives or before any committee of the House, but I do have a right to raise my voice in respect to the procedure of a Senate committee, and I am simply exercising that right and expressing my views as to what the proper course is, and what should be done on this particular occasion by the Finance Committee of the Senate.



Mr. SMOOT. The only reason I called the Senator's attention to the matter or asked him the question was because he was stating that there was no precedent for the action taken by the Republican members of the Finance Committee two years ago.

Mr. MARTIN of Virginia. Mr. President, I have no doubt that statement was right in its broadest sense, and I made it in respect to the procedure in the Senate. I feel that there is no occasion whatever for delay about this matter. I do not believe that the Finance Committee contemplate having any hearings on the wool schedule with a view to gathering information and expediting the legislation which was referred to it for consideration with a view to having it expedited. I believe the Finance Committee is indisposed to lend its aid to this legislation as a committee of the Senate is expected to lend its aid to the Senate.

Mr. OWEN and Mr. BACON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Virginia yield, and to whom?

Mr. MARTIN. The Senator from Oklahoma interrupted me first, and I will yield to him.

Mr. OWEN. Mr. President, I merely rise to call the attention of the Senator from Virginia to the fact that not only the Finance Committee submitted no record of testimony of any witnesses before them to the Senate, but they made no report to the Senate on the Payne-Aldrich bill. While it is true that the report of the hearings before the House committee was available to every Senator, it consisted of 8,000 pages of miscellaneous matter, given not under the proper safeguards of an oath.

Mr. MARTIN of Virginia. And they are available yet.

Mr. OWEN. They are available now; but the then chairman of the Committee on Finance in the Senate confessed that he had not read those hearings in the House.

Mr. MARTIN of Virginia. Mr. President, there is ample time between this date and the 10th day of July for the Finance Committee to consider this matter and make a report to the Senate, if it desires to extend that aid to the Senate which the Senate has a right to expect from one of its committees. That is my deliberate judgment. For that reason I rose to express my approval of the motion of the Senator from Oklahoma [Mr. GORE] and to express the hope that it would meet with the favorable consideration of the Senate. I think the time has come—

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. MARTIN of Virginia. I yield.

Mr. McCUMBER. I desire to ask the Senator from Virginia one question. He has suggested that we would probably elicit very little useful information if we had hearings before the Finance Committee on both of the bills which are still before it. Would the Senator from Virginia suggest that both of the bills be reported back to the Senate without any hearings on the part of the Senate committee—would that be agreeable to him—so that they might be discussed here at any time or at an early date, or does the Senator desire that there be some hearings had upon those bills?

Mr. MARTIN of Virginia. I am entirely willing to leave that to the Finance Committee, just so they make a report of some kind by the 10th day of July. For my part, I do not believe that any valuable information will be elicited from any hearings that may be given; and, so far as I am concerned, I do not desire to hear any of the evidence that may be adduced before that committee. I think we have had hearings ad nauseam. I believe we now have information enough at the command of the Senate to enable every Senator to reach a conclusion satisfactory to his own mind and just to all interests in this country.

Mr. McCUMBER. What I want to ask the Senator is this: Would the Senator and those whom he possibly represents, or those who have the same view as he, support a motion that both of these bills—the wool-schedule bill and the farmers' free-list bill, as it is called—be reported back immediately to the Senate, without any further testimony being taken by the Senate Committee on Finance?

Mr. MARTIN of Virginia. I shall be glad to see them both reported at the earliest day the committee is willing to report them.

Mr. McCUMBER. But that was not the question. The question was whether the Senator would support a motion to report them back without taking any evidence?

Mr. MARTIN of Virginia. I will support a motion at an early day to discharge the committee from the further consideration of those bills.

Mr. McCUMBER. I would just as soon they would come before us now.

Mr. MARTIN of Virginia. I think it is the duty of that committee to give the Senate a report one way or the other, and I do not believe there is any occasion for elaborate hearings or for any extended consumption of time. If the committee want to have any hearings let them go about it promptly and expeditiously. Why have they not had hearings on the farmers' free-list bill during the several weeks that bill has been before them?

Mr. McCUMBER. Mr. President, if the Senator will allow me, I will state, first, that there have been some hearings upon the free-list bill, though a very few. We had a hearing one day on that bill. Second, as a member of the Finance Committee, I think probably I would favor the proposition suggested in the introductory talk of the Senator of reporting both of these bills back to the Senate without any further investigation by the Senate Finance Committee if the Senator would stand for a motion of that kind.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. I yield.

Mr. WILLIAMS. I merely wanted to call the attention of the Senator from North Dakota to the statement made by him, which, unqualified, might deceive the Senate or the country.

Mr. McCUMBER. How is that?

Mr. WILLIAMS. The Senator said that the Finance Committee had had some hearings upon the free-list bill.

Mr. McCUMBER. On one day.

Mr. WILLIAMS. As a matter of fact, what happened was this: While we were having hearings upon the reciprocity bill, some parties being here who desired to be heard later on upon these questions were permitted to be heard in the intervals of the other discussion.

Mr. McCUMBER. Certainly; but it was upon that bill.

Mr. LODGE. But we had a hearing upon that bill.

Mr. WILLIAMS. A number of boot and shoe men came here for that purpose, but there have been no formal hearings upon the free-list bill. They apprehended that at some time that matter would be before the Senate, and those parties, being here in Washington under some misapprehension, they were permitted to be heard then. I think that is a correct statement.

Mr. McCUMBER. That is a correct statement; but that was a hearing upon the free-list bill.

Mr. JOHNSTON of Alabama. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN of Virginia. I do.

Mr. JOHNSTON of Alabama. I merely want to apologize to the Senate for my inaccuracy in stating the length of time that the Payne-Aldrich bill was in the Senate Committee on Finance. I said that my recollection was that it was there one day. I find upon referring to the Record that it was received from the House on April 10, 1909, and reported to the Senate on April 12, 1909. So the committee had it for two whole days.

Mr. MARTIN of Virginia. Mr. President, I think two whole days would be amply sufficient for the consideration of the wool bill, because I do not believe there is any occasion for any elaborate hearings on that bill, and if the Senator from North Dakota is unwilling to wait until the 10th day of July for a report he might offer an amendment to the motion made by the Senator from Oklahoma. So far as I am concerned, I was willing to give until the 10th day of July, so that brief hearings could be had if the committee thought they were desirable. I myself do not think they are necessary, and I would be perfectly willing to see both the farmers' free-list bill and the wool-schedule bill reported forthwith from the Finance Committee to the Senate and without recommendation, for I have not the slightest idea we shall ever get a recommendation one way or the other in respect to either of those bills.

Mr. McCUMBER. If the Senator will excuse me, I can assure him that there will be one recommendation one way upon it, the same as there was upon the reciprocity bill.

Mr. MARTIN of Virginia. The Senator means the recommendation of one member of the committee. He does not mean to say that a majority of the committee will unite in a recommendation.

Mr. McCUMBER. I mean to say that there will be a member of the committee who will make a report of some kind on both of those bills.

Mr. MARTIN of Virginia. By the majority?

Mr. McCUMBER. I am not speaking of the majority.

Mr. MARTIN of Virginia. It would not be a report unless signed by a majority of the committee; otherwise, it would be



merely the views of those who signed the report. I do not expect members of the Finance Committee to agree; I do not expect the members of the Finance Committee to give us any light by reason of hearings. I fear that we shall have all the delay interposed that the Finance Committee can interpose to prevent tariff legislation at this session of Congress. For that reason I am willing to unite with the Senator from Oklahoma in an appeal to the Senate to instruct its agency to proceed with the work confided to them, to do that work, and to make a report to the Senate.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. MARTIN of Virginia. I do.

Mr. LODGE. I am perfectly willing, as a member of the Finance Committee and as a Member of the Senate, to vote to report both bills and put them on the calendar to-morrow.

Mr. MARTIN of Virginia. That makes two Senators.

Mr. LODGE. Allow me to say that my only objection to that course is that it is as certain as anything can be that, if you put those two bills on the calendar with the reciprocity bill pending, we shall be here until next December talking about reciprocity. I want the reciprocity bill to get through, and I do not want to be held responsible for the inevitable delay that will come if you mix those three bills up together.

Mr. MARTIN of Virginia. That is exactly what I am complaining of. It is another evidence of the unwillingness to trust the people. Why should the Senator from Massachusetts think he is a safer man to deal with this subject than the Senate of the United States?

Mr. LODGE. It is not an unwillingness to trust the people—

Mr. MARTIN of Virginia. If they choose to tie it up and they choose to delay reciprocity, is it not their prerogative to do so?

Mr. LODGE. It is not unwillingness to trust the people. I am speaking of the Senate.

Mr. MARTIN of Virginia. I meant the Members of the Senate. It is the same spirit—

Mr. LODGE. If the Senator means the Members of the Senate—

Mr. MARTIN of Virginia. The distrust of the people elsewhere seems to have gotten into the mind of the Senator from Massachusetts, and he is unwilling to trust his colleagues in the Senate.

Mr. LODGE. I am, as to expedition.

Mr. MARTIN of Virginia. Well, perhaps the Senator has more wisdom than all the rest of the Senate; but at least there are some Senators who will not admit that, notwithstanding the high esteem in which he is held and the wisdom which he always manifests as a Senator on this floor. He is but one Senator. I say that the Senate, as such, or a majority of it, should have the privilege of dealing with bills which have come to it and which are referred to a committee for investigation and report.

Mr. LODGE. Personally, I have not the slightest objection, Mr. President, as I have said, to having those bills reported to the Senate. I should like to have the whole three bills here; and, so far as I am personally concerned, I would agree to vote on them to-morrow. I have not the slightest desire to delay the matter a moment. I only want to relieve myself personally from taking part in doing what I believe will delay the reciprocity bill very much indeed.

Mr. MARTIN of Virginia. The Senator is only responsible for his own actions, and when he makes his report to the Senate he will exonerate himself of all responsibility.

Mr. LODGE. If Senators on the other side will take the responsibility of delaying the reciprocity bill, I have not a word to say.

Mr. MARTIN of Virginia. We will meet such responsibilities as come. There is one responsibility that we are seeking, and it is the responsibility of dealing with the wool schedule. The Senator seems determined that we shall not exercise that responsibility, though it has been conferred upon us by the States that sent us to the Senate for that purpose.

Mr. LODGE. All I want, Mr. President, is to put the responsibility of delay at the door where it belongs.

Mr. MARTIN of Virginia. We accept the responsibility. Give us the bill, and we will take care of it.

Mr. DIXON. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Montana?

Mr. MARTIN of Virginia. I do.

Mr. DIXON. After the inability to get together on the part of the distinguished statesmen who have participated in the dis-

cussion a plan has occurred to me whereby we might get action on those bills immediately, without any regard to the Finance Committee. If you want to pass them in good faith, I would not limit action to the farmers' free-list bill nor the wool bill, because it strikes me that, after the passage of the Canadian reciprocity bill, if we are to have a "farmers' free-list bill," we might also have a "blacksmiths' free-list bill," a "lawyers' free-list bill," a "preachers' free-list bill," and probably 20 other kinds of "free-list bills."

Now, if the Senator from Virginia and the Senator from Oklahoma are in such a hurry to get these bills out of the committee, I will say to them very frankly that, while I am a pretty good protectionist, if they will offer as amendments to the pending reciprocity bill the farmers' free-list bill, as you call it, and the other bills, I will vote for them.

Mr. MARTIN of Virginia. If the Senator from Montana can show the votes to carry those measures into law and will manifest a bona fide purpose of carrying them into law, I am ready to meet him—

Mr. DIXON. I will say to the Senator—

Mr. MARTIN of Virginia. But if he wants these bills offered as amendments for the purpose of assassinating the reciprocity bill, I am not with him.

Mr. DIXON. Oh, there is no assassination in my mind.

Mr. BAILEY. Will the Senator from Virginia permit me?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. MARTIN of Virginia. I yield to the Senator from Texas.

Mr. BAILEY. The Senator from Montana [Mr. Dixon] will have an opportunity to vote to attach the free-list bill to the reciprocity bill. I make no concealment that I intend to offer that bill as an amendment, as I did in the committee, and I would offer it if I knew it would defeat the reciprocity bill, because I want the sacrifice and the compensation of the farmer to go together. I want them both to carry or both to fail. But what I want to know from the Senator from Montana now is this: If after we have given an opportunity to vote to attach that amendment to the bill, if that fails, will he then help us to pass that bill as an independent proposition?

Mr. DIXON. The reciprocity bill?

Mr. BAILEY. No; the free-list bill.

Mr. DIXON. I have not examined the free-list bill. [Laughter.] The amusement comes a little bit early, for I want to say to the Senator from Texas and to my Republican colleagues—and we might as well have an understanding here now once for all—that I will reply to the Senator's question.

Mr. BAILEY. I know the Senator will, and I think I know he is going to say he will do it.

Mr. DIXON. The Senator is not far from the truth. I have always counted myself a pretty good protectionist. I voted for the Payne bill without any apology; it was not perfect, but I voted for it because I knew that no tariff bill that any American Congress ever could enact would be perfect, and because it seemed a comprehensive bill that covered all phases of American industry and American life. The whole theory of protection has appealed to me. I am not in favor of protecting the industries of Massachusetts and not the industries of Montana; I am not in favor of striking down the fishing industry of Gloucester and preserving the lemon industry in California.

It was this broad, national spirit of protection that made me a Republican. It was my belief in the principles of a protective tariff that caused me to cast my first ballot in North Carolina in 1888 for Gen. Harrison for President, running on a protection platform, and I have never varied nor wavered in my allegiance or belief in that policy from that time to this; but I want to say—and we need not have any diplomacy or misunderstanding about it—that when the Democratic membership of the Senate, aided by a few Republican Senators from States which have reaped great benefit from a protective tariff—seek to put the American farmer outside the pale of protection, as is sought to be done under this so-called Canadian reciprocity bill, they are driving a wedge that is as certain to destroy the protective principle as it is that the law of gravity will continue to operate. I will not be the first Republican Senator to strike the blow; I will not be actuated by revenge; but I do say that when Canadian reciprocity becomes a law—and I am addressing myself to the Senators, Republicans and Democrats alike, from Massachusetts and Rhode Island and Connecticut and Pennsylvania and New York and New Jersey, who by their votes are making it possible—there is no more question of what the inevitable result will be than there is that the Senate will adjourn to-night. We need not cheat ourselves about the matter. You can not deprive the farmers



of the West of their measure of protection for the products of their farms and stock ranges and at the same time expect to retain protection for your manufacturers. You shall not, by my vote, make fish of one industry and flesh of another, as is proposed in this misnamed reciprocity pact. We do not propose that the western farmer shall be relegated to a "Jim Crow" car while the eastern manufacturers continue to ride in Pullmans.

At the risk of wearying the Senate I will say that I received a letter in my mail this morning among many other letters, one to which I want the Republican Senators who are supporting reciprocity to listen. I will not read the name, but I will say to you that the man who wrote it is a Republican in my State, a farmer, a man of college education, and a man who knows conditions in that State as well as any man in it. He lives in the great Gallatin Valley, the richest grain valley in the world, not excepting the far-famed Valley of the Nile. The letter reads:

BOZEMAN, MONT., June 16, 1911.

I see by press reports that the opposition to the so-called reciprocity agreement by the farmers is not real; that it is being fostered by the "lumber interests," and so forth. Anyone making any such statement either does so willfully or has taken no pains to correctly inform himself of the true feeling of the farmers. The farmers of this valley are practically a unit in opposition, and we do not need any "ghost dances" or "medicine men" to agitate us either, as Jim Hill has stated. We understand why we do not want it just as well as he understands why he does want it, and it is simply a matter of dollars and cents. Under no circumstances can we be benefited by it.

The report that opposition is dying is not true as far as this part of the State is concerned; in fact, the opposition is stronger than it ever was. The farmer is the joke again, as usual. We are not free traders, but we will be with a little more legislation like that proposed.

Very respectfully,

I want to say to Senators, Republican and Democrat—those of them from New England and New York and Pennsylvania and the others who have lived in the citadel of protection—that that letter I think truthfully reflects the feelings of the farmers of this country to-day—

Mr. GALLINGER. We are getting scores of them from every State.

Mr. DIXON. The men who have given the Republican Party its majorities for the past 40 years. Do not be mistaken, gentlemen. Whenever you deliberately, under whatever pressure, whether from the other end of the Avenue or from the newspapers of your State, who hope to be financially benefited by the "free print-paper" clause, agree and consent to destroy the measure of protection that the farmers of this country have enjoyed, that minute the death knell of protective tariff is rung, and no sophistry of argument, no temporary state of public opinion in your States, and no newspaper editorials are going to save the very thing which I now prophesy from becoming a certainty. It may not last; the probabilities are that the American people after one dose, such as we had from 1893 to 1897, may again recover from the emetic which they will take, commencing with this Canadian reciprocity and winding up with free wool and free everything else. It may bring us to our senses.

You who are supporting this so-called reciprocity scheme talk about being the friend of the farmer! You have already prepared to crucify him on the cross of Canadian reciprocity. And now you Democratic Senators want to put wool on the free list to demonstrate your abiding affection for him.

Mr. BAILEY. There are not 3 votes on this side of the Chamber to do that.

Mr. DIXON. I am glad to know that; but your 20 per cent ad valorem means about the same thing. The bill, as it passed the House, will bankrupt every woolgrower in the West. While it is not quite as bad as the wool bill of 1893, the sheep man will, under its provisions, slowly but surely be put out of business.

Mr. MARTIN of Virginia. I hope the Senator from Montana will not ask to proceed with an elaborate statement.

Mr. DIXON. Just wait. I want to answer the question of the Senator from Texas. Then I will finish.

The VICE PRESIDENT. Does the Senator from Virginia yield further?

Mr. MARTIN of Virginia. I will.

Mr. DIXON. I want to say, do not come in here with pop-gun revision of the wool schedule and a fake farmers' free list. If the Canadian reciprocity bill passes—and it looks as if it is going to—and we destroy the principle of protection, let us not leave Washington with only one corner of the temple torn down. It presents a bad, a mutilated effect. Let us go through the whole list, and out of the ruins which will come, after the American people have taken a new survey of conditions, we may be able to again construct a comprehensive system of protective tariff that will deal justly with all forms of American

industry—manufacturer, farmer, and miner alike—one that will be equitable to all classes and all sections of our common country.

Now, answering the Senator from Texas, when reciprocity passes, if it does, I am ready to start revising the tariff, and it will not be confined to the wool schedule and the farmers' free list. I am ready to take the whole thing from A to Z, and so far as I am concerned, I am ready to give it a revision that will not be a homeopathic one.

Now, I have answered the Senator from Texas, evidently to his satisfaction.

Mr. MARTIN of Virginia. Mr. President—

Mr. BAILEY. Will the Senator from Virginia permit me?

Mr. MARTIN of Virginia. Certainly.

Mr. BAILEY. I ask the Senator the direct, specific, and simple question if the free-list bill, when offered as an amendment to the reciprocity bill, is rejected, will he then vote for it as an independent proposition? I am afraid he talked himself out of a disposition to do so.

Mr. DIXON. No. I want to be frank. To tell you the truth I have not seen the free-list bill. I understand it only as I have read the newspaper headlines. I am not here to say that I shall vote for anything in it, because I do not know what is in it. I want to inquire if shoes and the products of leather are on it?

Mr. BAILEY. They are.

Mr. DIXON. Then, I will say to the Senator from Texas, with a great deal of pleasure I will support that.

Mr. BAILEY. And agricultural implements.

Mr. DIXON. Agricultural implements?

Mr. BAILEY. Of all kinds.

Mr. DIXON. And cotton goods and free rice and almost everything else.

Mr. BAILEY. No. [Laughter.] We cut out everything, I will say to the Senator from Montana—

Mr. LODGE. There is no movement for free rice.

Mr. BAILEY. I will say to the Senator from Montana, that in the amendment, which I offered in the committee, I eliminated all the products of the farm and made it—

Mr. DIXON. And mutton?

Mr. BAILEY. Eliminated that.

Mr. DIXON. Mutton and steers, I understand, are on it.

Mr. BAILEY. No; I eliminated everything that comes from the farm and confined it to the things that go to the farm.

Mr. DIXON. Well, I am—

Mr. BAILEY. The Senator will vote for that, will he?

Mr. DIXON. I am in a state of mind—

Mr. BAILEY. "Almost persuaded." [Laughter.]

Mr. DIXON. I am waiting, preferring that the Senator should strike up that hymn again and postpone his question until reciprocity has become a law. I am going to vote—

Mr. BAILEY. I am not going to press the Senator from Montana, because I believe he will vote for it.

Mr. DIXON. Do not have any fear about shoes and leather. I remember two years ago in this Chamber when the biggest humbug ever put up to the American people came up, when the shoe manufacturers and the tanners engaged in a joint propaganda to persuade the Congress to give them "free hides," and said that if we would give them "free hides" they would give the people "cheap shoes." I remember the little pink slips that the shoe drummers peddled all over my State, addressed to the Congressmen and Senators, "Please vote for free hides so that we may have cheap shoes." I saw the lobby of the shoe manufacturers and the tanners becloud the Senate Office Building that spring demanding "free hides" in the "interest of the people" of the United States, that they, the people, might have "free shoes."

Mr. MARTIN of Virginia. I hope the Senator from Montana—

Mr. DIXON. Gentlemen on the other side of the Chamber supported it, and a very few on this side did. We got "free hides." The people of the United States got left. Shoes and leather went up in price immediately. The result was that the farmers and cattlemen lost the 15 per cent duty on hides, the United States Government lost \$2,000,000 in revenue, and the tanners and shoe manufacturers divided the profit.

Mr. BAILEY. Will the Senator from Montana permit me?

Mr. DIXON. The Senator from Texas was broadgauged enough at that time to foresee what would happen, and he did not vote, under his idea of a revenue tariff, to deprive the farmer of the protection of 15 per cent on cattle.

Mr. BAILEY. And the Government of more than \$2,000,000 of net revenue that it was getting.

Mr. DIXON. And he so prophesied at that time.

Mr. MARTINE of New Jersey. Mr. President—



The VICE PRESIDENT. Just a moment, until the Chair ascertains whether the Senator from Virginia will yield.

Mr. MARTINE of New Jersey. I should like to have a few moments.

Mr. DIXON. I understand the Senator from New Jersey wants to ask me a question.

The VICE PRESIDENT. The Senator from Virginia claims the floor for himself. Other Senators are asking recognition. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. MARTIN of Virginia. For a question.

Mr. MARTINE of New Jersey. I want to set myself right. The distinguished Senator from Texas—

The VICE PRESIDENT. That is not a question.

Mr. MARTINE of New Jersey. The distinguished Senator from Texas says that there are not three men on this side of the Chamber who will vote for free wool. I do not know who those three men may be, but I want to say for myself I will vote for free wool with you, and I will vote for free sugar, too.

Mr. DIXON. Will you vote for free leather?

Mr. MARTINE of New Jersey. Yes, sir; I will vote for free leather.

The VICE PRESIDENT. The Senator from Virginia has not yielded to the Senator from Montana.

Mr. MARTIN of Virginia. I know that the Senator from Montana thinks the farmers of the country have tired of the domination of the Republican Party.

Mr. DIXON. Oh, no.

The VICE PRESIDENT. The Senator from Virginia has not yielded, and nobody has requested him to yield.

Mr. DIXON. But by his smile he invited an answer.

The VICE PRESIDENT. The Senator from Virginia has the floor.

Mr. MARTIN of Virginia. He sees the handwriting on the wall; everybody else sees it there; and the line of cleavage between the old-line Republicans and the American farmer is a little more distinct than the line of cleavage between the Senator from Montana and many of his associates on the floor of the Senate.

Mr. DIXON. Let me answer.

Mr. MARTIN of Virginia. I will yield.

The VICE PRESIDENT. Does the Senator from Virginia yield?

Mr. MARTIN of Virginia. I will.

Mr. DIXON. No; the Senator from Virginia is only half right. The American farmer sees the entire Democratic membership, except two or three, arrayed against him on this question of reciprocity, while only a minority on this side of the Chamber will support the bill.

Mr. MARTIN of Virginia. The Senator seems to forget that the originator of this movement is the President of the United States.

Mr. DIXON. I have some doubt about that.

Mr. MARTIN of Virginia. He has at least assumed responsibility for it. It would not have been here in the Senate except by his ipse dixit.

But there are, Mr. President, about 13, or around that neighborhood, Members of the Senate who have heretofore been loyal Republicans who now see this protective-tariff system carried to such an extent that they are in revolt against it.

Mr. DIXON. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield further to the Senator from Montana?

Mr. MARTIN of Virginia. I yield.

Mr. DIXON. I am a protectionist, and I always have been.

Mr. MARTIN of Virginia. I have not put you in that list. I thought the Senator was putting up a little establishment of his own, and that he had brimstone and was proposing to put some fire to it, and no doubt he will open a small shop before he gets through with it, if he proceeds on the line he has indicated here this afternoon.

Mr. DIXON. Just as big a one as I know how.

Mr. MARTIN of Virginia. The Senator from Montana need not be uneasy about a popgun performance. If we can get these 13 or these 11, as it may be, progressive Republicans to stand up with us for true and honest downward revision of the tariff we will give you a dreadnought broadside and not a popgun performance. We just want about a half dozen votes, and we will show you some tariff reform sure enough, and if you are earnest, just come up to the book, and we will go ahead with the performance.

Mr. DIXON. Will the Senator from Virginia yield?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Montana?

Mr. MARTIN of Virginia. Certainly.

Mr. DIXON. Make your promise good. Let me suggest a way to you. If you are in good faith and not playing politics—

Mr. MARTIN of Virginia. I do not think I should be called upon to yield the floor to—

The VICE PRESIDENT. The Senator from Virginia declines to yield further.

Mr. DIXON. Just offer a whole tariff bill.

The VICE PRESIDENT. The Senator from Virginia declines to yield.

Mr. DIXON. He is yielding for that purpose.

The VICE PRESIDENT. But the Senator from Virginia says he is not.

Mr. WILLIAMS. How would you get it out of the Finance Committee?

Mr. DIXON. We will vote with you.

Mr. MARTIN of Virginia. I have digressed further than I intended. I did not contemplate occupying more than five minutes of the time of the Senate, and that was simply to endeavor to express the idea that the committees of the Senate are the servants and the agents of the Senate, and they should respond to the orders of the Senate. It is no discredit to a committee to be appealed to to do that for which it was created.

I want these bills that are before that committee reported out of that committee, and I do not care whether there is a recommendation one way or the other. I just want the Finance Committee to discharge its duty and make a report to the Senate one way or the other, and that was the motion made by the Senator from Oklahoma; and I believe that motion ought to prevail, and I hope it will.

Mr. GALLINGER. The bill is not yet before the committee.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. The Senator from Oklahoma once or twice indicated a desire to speak when other Senators were on the floor. Does the Senator from Oklahoma desire to be recognized?

Mr. GORE. In a moment.

Mr. WILLIAMS. Mr. President, I do not want to add anything to the economic information of the Senate right now, but I want to emphasize and try to carry down to history a piece of historical information, a thing that, at any rate, may be interesting to future generations.

The Republican Party has had a great many great leaders. I used to say that the Republican Party had been guilty of everything except stupidity. Blaine was a great leader; Thomas Reed was a great one. There are lots of them, and a great many of them gave to the country a great many keynote utterances that seemed to tickle the ears of the groundlings whether they made the judicious grieve or not; and a great many of them gave to the world some keynote utterances that were really worthy of recollection.

But it remained for this day of our Lord's grace for an elected leader of the Republican Party to utter the newest Republican note thus far uttered to an admiring universe. While the Senator from Virginia was talking, the Senator from New Hampshire interrupted him, and said that the people who were raising wool and the people who were manufacturing wool deserve some consideration. The Senator from Virginia replied by saying, "Yes; and the people who are wearing clothes deserve some consideration." Whereupon there came from the great well, the deep well of the intellect and economic ability of the present leader of the Republican Party this utterance: "It depends upon whether they wear clothes made out of American wool or not." The man who wears clothes deserves consideration, provided he wears clothes made out of American wool. That is the latest, the newest, the cleanest, the brightest, the wisest, and the deepest Republican utterance yet.

In the hearings before the Finance Committee I discovered a great many new Republican doctrines. Years ago the chief defense of the tariff was that the foreigner paid it, anyhow. They have quit that now. A little while before that the defense of the tariff was that you wanted to build up industries, protect infants until they could grow. They have quit that now; that is not bothering anybody. Then a little bit later on they took recourse in the assertion that protectionism was justified by the fact that they wanted to equalize the price of labor in foreign manufactories and in the manufactories of the United States.

Mr. DIXON. Mr. President—

The VICE PRESIDENT. Does the Senator yield?

Mr. WILLIAMS. And, as they could not find any difference in the labor cost between Canada and the United States upon which to base their claim for protection with regard to the matters dealt with by the Canadian reciprocity agreement, they shifted their base again.



Mr. DIXON. Mr. President—

Mr. WILLIAMS. In a minute, because this is so interesting. Then they wanted us to found a system of protection upon what, do you suppose? The comparative infertility of our land. Then they wanted us to found a system of protectionism upon what else, do you suppose? Upon the comparative greater nutritiousness of Canadian grass; and when we examined into that we found that the grass grew richer the farther you went north; and then when some of these people who were being heard were interrogated about the nutritiousness of Mexican grass, some of us being of the impression that going farther and farther and farther south the grass daily and daily losing more and more nutrition, by the time you got to Mexico it could not feed anything, we found that the Rio Grande was a sort of boundary which started a new process of nutrition in grass.

Then later on from the State of North Carolina, the State of my forebears, came a new basis for a system of protection. Hitherto they have argued that you ought to have protection because American labor was paid higher wages, but North Carolina lumbermen actually argued that they ought to have protection because, although their labor was paid half as much as the labor in Canada, it was so much less efficient that the cost of production had to be equalized. On the one hand, protection because labor is higher; on the other hand, protection because labor is less efficient.

Now, I will yield to the Senator from Montana.

Mr. DIXON. The Senator has given a definition of the Republican Party's position on protection, its historic growth or evolution. Getting down to the modern Republican doctrine of protection, I believe it is to equalize the difference in the cost of production at home and abroad.

Mr. WILLIAMS. The cost of labor, I thought it was.

Mr. DIXON. To my great surprise the other day I was reading the Democratic Party's national platform—

Mr. WILLIAMS. I yielded to the Senator merely—

Mr. DIXON. I want to call the Senator's attention to something more interesting than what he has recited. The Democratic platform on which Mr. Cleveland ran for President the second time said that party favored a tariff for revenue, with a view to equalizing conditions in the cost of the manufactured article abroad and at home, taking into consideration the difference in wages in the two countries. Now, I should like the Senator from Mississippi to differentiate between the Democratic Party's platform in Mr. Cleveland's time and the Republican position of to-day, for they are in almost identical words.

Mr. WILLIAMS. I yielded for a question, and I prefaced my remarks this afternoon by saying that I did not rise for the purpose of adding to the fund of economic information. I was only calling attention to incidents of history that are very dear to me as a student of history and as a hero worshiper. I first rose for the purpose of worshiping the brand-new idea which sprang from the brain of the Senator from New Hampshire, and while I was about it I thought I would call the attention of the country to some comparatively new ideas that had been developed before the committee.

Now, I shall not undertake to expound the profound meaning of the Democratic tariff platform of 1888.

Mr. DIXON. It was practically on all fours with the Republican declaration of to-day.

Mr. WILLIAMS. I do not care to deflect here. I will say this much, however, to the Senator from Montana, that, in my opinion, there has never been any difference in principle between protectionism and so-called incidental protection.

Mr. DIXON. I agree with that.

Mr. WILLIAMS. I have never in my life seen any difference. The principle is the same. They differ only in degree.

Now, Mr. President, our amiable friend, the Senator from Pennsylvania, who generally keeps so quiet and intrudes himself so little upon public discussion, never was known, that I know of, to threaten anybody until to-day. But his threat carries with it no horrors, so far as I am concerned. He informs us that if we do not behave like good children we will be here until we see the snow on the ground. I want to inform the Senator from Pennsylvania that, so far as I am concerned, I, in the first place, wish I could see the snow on the ground to-day [laughter], but if I have to wait until in the due course of nature the snow falls, I, even I, will abide with thee from now until the snow falls, and from then till the buds come in the next spring, and from then on till the dog days in the next August, and from then on till the snow falls again in the following winter, and from then on till the trees begin to put forth their leafy buds on March 4, 1913, unless the Senate of the United States and the Finance Committee will give us a vote—we ask nothing else—upon the most salient and important measures which the Demo-

cratic House has passed—in its opinion, at any rate—in the interest of the people of the United States.

We do not ask you to vote our way; we simply ask you to go on the record; and we especially ask gentlemen from the West who have been cursing standpatters because the last campaign was waged upon a pledge and promise to revise the tariff downward by those who afterwards revised it upward, to sit with us until March 4, 1913, unless we can get these votes. He serves his party best who serves the people best. If you really do want to revise the tariff downward, stay with us until we do it—especially on Schedule K.

Oh, I remember well how, when I was sitting in the library of my plantation home in Mississippi, relegated for that two years to private life, I would get the CONGRESSIONAL RECORD and read the utterances of that distinguished and eloquent and now deceased Senator from the great State of Iowa, Mr. Dolliver, as he tore to shreds this Schedule K, this woolen schedule; as he exposed its iniquities and its cheats and its pretenses and its oppressions; and I remember that the sitting Senator from the State of Iowa was not far behind him then. Has any change come over the spirit of his dreams? Has any change come over the dream of the apostle of protection himself, who, almost providentially, though accidentally, is approaching the Democratic Party by the position of the seat he occupies at any rate. Has any change come over the spirit of the dreams of the Senator from Kansas? Did you mean what you said then, or were you fulminating in the air? Do your people want these reductions of taxation? Is the popular force which was behind you then behind you now? Do you desire to serve them by doing their will as well as doing the thing that will subserve their interest? If you do, you need not bother with putting the wool bill upon the reciprocity bill as an amendment. If you do, and you wish to regenerate Schedule K and make out of the abnormality and monstrosity a clean child, even though it be a protectionist child, even though you do not reduce the duties down to where we Democrats would like to see them reduced, hold the Senate here; amend the House bill on Schedule K—the woolen schedule—as far as you can to suit yourselves, and help us to put it through.

I ask, Senators, do you contend that the Canadian reciprocity bill discriminates against the farmer; that it puts what he produces and sells upon the free list while it retains upon the heavily taxed list the things that he must buy?

Very well, then, after Canadian reciprocity is passed, let us compensate him by passing, not the free-list bill, but a free-list bill. If the House free-list bill will not suit you, go out and get together and offer here one in the interest of the farmers that will. Offer the various schedules and items of it as amendments to the House free-list bill, as it is brought up here for consideration. You may neglect to put some things on it that I would like to see there, but you will not put anything on it that I can not vote for.

Outside of this Chamber, are the people of the United States deserving of consideration, whether it happens that the clothes they may wear are made out of American wool or Australian wool; deserving consideration whether it happens that the hats they wear were made in Great Britain or made in New England; deserving consideration whether it happens that the shoes they wear were made in New England or made somewhere else? Here we are—gladiators in an arena fenced off by party lines. But the interests of the American people are a solidarity. Whatever their wishes and party affiliations may be, their interests are an independent thing, with which politics has nothing under the sun to do. Stay here until the snow falls. I am willing to stay here until the snow falls, and if a Democratic House serves a notice to that effect, I am willing to sign a paper with every Democratic Senator on this floor to the effect that we will abide with them until the wee small hours of the remote years.

I am willing and more than glad and I would be rejoiced to have my friend, who formerly served with me in the House, now one of the distinguished Members of this body, and all the gentlemen who have been giving the standpatters fits because they did not revise the tariff downwards, stay here with us and revise it downward, schedule by schedule, as the House gives us the opportunity, for it alone can originate revenue bills.

Mr. GRONNA rose.

Mr. WILLIAMS. I yield to the Senator from North Dakota.

Mr. GRONNA. I want to say to the Senator from Mississippi for whom, as he knows, I have the highest regard, that I am willing, I will say that I intend to vote for the motion made by the Senator from Oklahoma, but in connection with that I wish to ask the Senator a question. The Senator has referred



to the progressives. Can the Senator from Mississippi name one single item that is now included in the reciprocity bill for which the progressives in the Senate or in the House gave a vote to have the tariff reduced upon?

Mr. WILLIAMS. I beg my friend's pardon; I did not hear him.

Mr. GRONNA. I asked the Senator this question: Can the Senator from Mississippi name one item that is now included in the reciprocity bill for which the progressives in the Senate or in the other body made a fight and in regard to which they contended that the tariff was too high.

Mr. WILLIAMS. Frankly, at this moment I can not, and still more frankly I would not desire to do it. I am not engaged now in cultivating differences between you. I am engaged in trying to find points of agreement and mutual cooperation.

Mr. GRONNA. Mr. President—

Mr. WILLIAMS. I shall be very much pleased, indeed, if we can not agree upon many things that will benefit the American people, that we shall agree to a few.

The VICE PRESIDENT. Does the Senator from Mississippi yield further to the Senator from North Dakota?

Mr. WILLIAMS. Certainly.

Mr. GRONNA. Evidently the Senator from Mississippi misunderstood me. I said to the Senator, and I only speak for myself—

Mr. WILLIAMS. Yes.

Mr. GRONNA. That I am willing to vote and ready to vote for the motion made by the Senator from Oklahoma.

Mr. WILLIAMS. Oh, I beg my friend's pardon. I did not hear that much of his remark.

Mr. President, so far as this particular motion is concerned, why not let us deal honestly with one another and honestly with the people? It ought not to be a hard job. There is not a man within the sound of my voice who does not know that nobody expects the slightest enlightenment from any further hearings on the woolen schedule. If you will tell me when a so-called witness comes before the Finance Committee what business he is engaged in, where he comes from, and what political party he belongs to, I can write out his hearing beforehand. I say that from long experience on the Ways and Means Committee of the House and the Finance Committee of the Senate. I have made this statement to several Republican Senators laughingly, and they have agreed with me that they could do the same thing.

What further light does the Senator from Pennsylvania want upon the woolen schedule? Bless my heart, if the light that met Saul on his way to Tarsus would come across his pathway, he would still vote for Schedule K, and he would still vote against the House woolen bill.

Mr. PENROSE. Will the Senator permit me?

Mr. WILLIAMS. Yes.

Mr. PENROSE. I am prepared to consider carefully a revision of Schedule K. It has been on the statute books for a long time. But the Tariff Board has the matter under investigation and will not report until December; and I feel that I ought to be permitted to pursue my own method of investigation. If I feel that I can give a more intelligent opinion upon the revision of the schedule after the report of the Tariff Board and not in the urgent manner suggested by the Senator from Mississippi, I hope he will allow for the infirmity of my judgment and give me an opportunity to have that time.

Mr. WILLIAMS. "Thou, Paul, almost persuaded me."

Mr. PENROSE. One minute more. The committee is in receipt of a great many requests from Democrats and Republicans from all over the country requesting hearings on the woolen bill and the free-list bill; and if I recollect aright, the very lengthy hearing which we gave covering several days was to hear a number of gentlemen from Texas who were opposed to the free-list bill. I should like to be able to give people from all over the United States some opportunity at least to appear in Washington and record their views about these impending changes.

Mr. WILLIAMS. Mr. President, I do not know the precise time it takes now to come from San Francisco to New York, but under the motion of the Senator from Oklahoma a man would have time to come from San Francisco to Washington twice and go back. Twenty days is no short time for hearings before a committee. The Senator from Pennsylvania can not create the impression upon the country that we are cutting off hearings. The motion is that the Finance Committee shall report back the bill on or before the 10th day of July, which is 20 days away—very nearly 3 weeks. That is the first proposition.

The next proposition is that if a Finance Committee at the last Congress could report to the Senate the woolen schedule

of the present tariff law, after no public hearings of any description, but upon the information obtained by them from the House hearings and some secret conferences with interested parties, then those nine volumes of House hearings are still before the Finance Committee as the basis of information, and there is no way under the Constitution or under the laws of preventing them from having such secret conferences with parties interested now as they choose, and 20 days is a long enough time to have them in, it seems to me.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. WILLIAMS. Yes.

Mr. CUMMINS. Mr. President, inasmuch as the Senator from Mississippi has honored me with a reference during his very eloquent address, I want to reassure him, together with all his associates upon that side of the Chamber, as well as all my political associates upon this side of the Chamber, that my opinions with respect to the tariff have not changed in two years. They have rather been emphasized and intensified. I expect that my votes during the remaining days of the present session will be entirely in harmony with the arguments I submitted and the votes I cast two years ago, but I now want to ask the Senator from Mississippi a question.

Mr. WILLIAMS. Before the Senator asks me the question, let me express my gratification at what I have just heard and express the hope that there will be at least six of you, seven, let us say—

Mr. CUMMINS. I think, Mr. President—

Mr. WILLIAMS. To constitute a majority of one in this body, and then we can either carry through the House woolen bill or we may, in some respects, concede to one another and make it a little bit better and put it on the statute book so that the people who deserve no consideration, unless they happen to wear their clothes made out of wool raised in the right place, might not be—

Mr. CUMMINS. I have a little sympathy with that suggestion as has the Senator from Mississippi. I do not speak for any of my progressive associates. I would not venture to pledge them to any course.

Mr. WILLIAMS. I do not ask you to do that.

Mr. CUMMINS. I only know what I intend to do. I now desire to ask the Senator from Mississippi a question: Does he believe that the reciprocity measure, so-called, if adopted, demands some compensation in behalf of the farmers whose products are put in free competition with Canada, and that such compensation should come in the form of either reduced duties or an enlarged free list in the general tariff?

Mr. WILLIAMS. Mr. President, in answer to the question just propounded by the Senator from Iowa, I will say that I do not believe that the Canadian reciprocity bill is of such a character as that it will injure the farmer and demand compensation; but I am willing to give the farmer what the Senator from Iowa chooses to call compensation and what I call justice; not as a matter of trade for Canadian reciprocity, but as lagniappe, as they say in New Orleans. They make a trade, and after it is made the merchant gives the child a stick of candy for lagniappe. I am willing to give it to the farmer because justice demands it, because Democratic principles and ideas demand it, because it is relief and not compensation.

But the motive that actuates me and the motive that actuates the Senator from Iowa have nothing to do with our walking along the same path toward the same end. It makes no difference if he calls the relief from taxation to the farmer compensation for what he considers a legislative injustice done by the reciprocity bill, and whether I consider it merely a right that he has, that God gave him, to be as little taxed as can be consonant with the necessities of Government revenue. We will not mind about that.

Mr. CUMMINS. But, Mr. President, I do mind. I believe it is the rankest injustice to so adjust our laws that the farmer will be compelled to sell everything that he produces in a free market and buy everything he buys in a market protected by duties upon manufactured products, for which there is no defense whatsoever.

Mr. WILLIAMS. The Senator and I shall not quarrel about that, sir.

Mr. CUMMINS. Now, then, here is, I fancy, however, the point at which we part. It is perfectly well known—

Mr. WILLIAMS. We were getting along so nicely. [Laughter.] I wish the Senator had not brought up that point.

Mr. CUMMINS. I may be compelled, however, to sever these beautiful relations, for we must look the facts in the face. The Senator from Mississippi has announced, I think, heretofore his intention to vote against any amendment that may be proposed



to the reciprocity measure. It is well known that those who favor this measure are in the majority here, a large majority, as I am told by those who have canvassed the votes of the Senate. Let us assume, therefore, that the reciprocity measure is passed; it is approved, and it becomes a part of the law of the United States. We pass the free-list measure. We readjust Schedule K. We enter into some of the iniquities of the metal schedule.

Mr. WILLIAMS. And the cotton schedule.

Mr. CUMMINS. And we try to destroy some of the privileges in the cotton schedule; but I fear that when they reach the Executive Department, by reason of the failure on our part to enjoy the information that will come from the Tariff Board, those bills will be vetoed and will therefore not become the law of the land.

If I understand the position of the Senator from Mississippi aright, in his zeal for lower duties, he will have put the farmer of the United States into free competition with Canada with respect to all that he produces, and he will have failed to relieve him of a single one of the high duties that burden the commodities which he must buy. There is the point of difference. I want the Senator from Mississippi to so unite these measures of relief that—

Mr. WILLIAMS. To so unite that we would kill the bill.

Mr. CUMMINS. That there shall be a disposition of all of them by the same vote in the same instrument.

Mr. WILLIAMS. Mr. President, there may be in the Senate a majority for a reformation of the woolen schedule; I think there is, if gentlemen who have hitherto poured out the vials of their wrath and their maledictions upon that schedule have not changed their opinion. There is, I know, a majority in favor of the Canadian reciprocity. But I also know that the lines cross and that there is not a majority in favor of the two tacked together, and everybody within the sound of my voice knows that.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi further yield to the Senator from Iowa?

Mr. WILLIAMS. I do.

Mr. CUMMINS. I want to correct the Senator from Mississippi here. I do not mean that he has made any misstatement, but to put my judgment against his own. I believe there is a majority in the Senate for a general and uniform reduction of the duties of the present law.

Mr. WILLIAMS. Mr. President, it became a part of my self-appointed task to find out whether, if some of these measures were tacked upon the Canadian reciprocity measure, there would be votes enough, not to do the tacking—there would be plenty for that—but to make the tacked instrument a law later on. I did not lightly conclude that that majority could not be found, and I know that when I want two things, even though I can not get one of them, it would be stupid to throw away both.

Now, the difference between the Senator from Iowa and me upon the Canadian reciprocity consists in this, that he sincerely believes it will seriously injure the farmers of this country and I do not.

Mr. CUMMINS. Mr. President—

Mr. WILLIAMS. One moment.

The VICE PRESIDENT. The Senator from Mississippi declines to yield for the present.

Mr. CUMMINS. I do not want the Senator from Mississippi to—

The VICE PRESIDENT. But the Senator from Mississippi declines to yield.

Mr. WILLIAMS. I will yield to the Senator.

Mr. CUMMINS. I did not want the Senator from Mississippi to understand that I believe in the somewhat hysterical statements which have occasionally been sent out for publication, that free trade with Canada in agricultural products will ruin or destroy the American farmer. I do believe, however, that it will result in some diminution in the prices of some agricultural products.

Mr. WILLIAMS. Ah, so do I—a few things raised along the border that are affected by local trade conditions. That I thought was the difference between us. Whether it be the difference between us two or not, it is the difference between me and the men of whom I have selected you as a type. They believe that Canadian reciprocity will seriously injure the American farmer, and I do not believe one word of it. I remember when we had the Cuban reciprocity measure up in the House of Representatives—and I can refer to that House now, because it has passed into history—it affected southern agricultural products, sugar, rice, and all the things that our people raise. They became perfectly hysterical down there, and there moved down upon the Capitol, as the present President of the

Senate will remember, a perfect army of beet-sugar raisers from the Northern States. It was said that beet sugar was going to be put out of existence by Cuban reciprocity; that Louisiana cane could never for a moment be grown again with a particle of profit. They knew it all. They knew it so well that there were tears in their voices while they told us about it. Their voices reminded me of the tone of the voice of my friend who sits just opposite me whenever he mentions Canadian reciprocity. I saw upon the floor of the House of Representatives one of the best friends I ever had, and one of the most intelligent men, and heard him while he stood and made a speech in which he scared himself out of his boots at the prospects of a half-naked and half-fed anemic Cuban; and, later on, when the Philippine free-trade bill came up, at the prospect of a half-naked, half-fed, and half-paid anemic Filipino with a water buffalo and a crooked stick running Louisiana out of the rice business, with her magnificently organized system. They even went so far as to tell us that all the rice our people would eat would come from the Philippines and from Cuba—

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. Wait a minute until I finish this—would come from the Philippines and from Cuba; and as to that, when I replied to some of them, "But, my dear boy, the Filipinos have got to live, and they live on rice." "Oh, yes; but they will raise their rice and send it to us, and they will buy their rice from Canada." [Laughter.] In some of these hearings, I think, somebody was going to have the Canadians send us some of these things. The Canadians were going to sell us their lumber, while they bought lumber from Australia or somewhere just across the Pacific.

Mr. CURTIS. Does not the Senator from Mississippi know that they are importing rice into the Philippine Islands, and were doing so at the time the so-called Philippine bill was pending here?

Mr. WILLIAMS. Yes; I do, and that made the idea of being scared to death about the Philippine rice of greater insubstantiality to the people that were frightened about it.

Mr. CURTIS. Mr. President, will the Senator from Mississippi submit to another question?

The VICE PRESIDENT. Does the Senator from Mississippi yield further?

Mr. WILLIAMS. Yes.

Mr. CURTIS. Has the Senator from Mississippi changed his position on the wool question from the position which he occupied in 1894?

Mr. WILLIAMS. If the Senator will tell me what position I occupied in 1894, I will tell him whether or not I have done so. [Laughter.] I belong to a class of organisms that grow. I do not know whether I have changed my position or not. Tell me what my position was then and I will answer the Senator.

Mr. CURTIS. The Senator voted for free wool in 1894, as I remember.

Mr. WILLIAMS. Yes; I voted for the Wilson bill, and, by the way, I would prefer to have a slight revenue duty upon wool, as I would prefer to have a slight revenue duty upon all other things, but if I can not reduce taxes on any article except by putting it on the free list, I am going to put it on the free list if my vote will do it. If I can not relieve the consumer in keeping with the beautiful and symmetrical proportions of a tariff-for-revenue-only theory, I will relieve him anyhow whenever the chance comes and it is in my power to relieve him.

In answer to the Senator from Kansas I will say that I do not know that I have changed my opinion, but I am going to change my vote. I voted for free wool when it was upon the Wilson bill because it was there. That bill, in my opinion, was not then, as the Senator will remember, the abortion that it afterwards became when the Senate of the United States got through doctoring it; but on the Wilson bill I voted for free wool because it was upon the bill and the bill reduced taxes upon the people. I am going to vote for the House bill with a 20 per cent duty on wool for exactly the same reason.

Mr. CURTIS. The Senator voted for the final passage of the Wilson bill, which contained a provision for free wool.

Mr. WILLIAMS. Oh, yes, I did; and many a poor fellow traveling through the wilds of the banditti country in Italy has surrendered his purse thinking that it was better than to run the chance of losing his life. What has my vote for free wool got to do with this question? [Laughter.] I never was a hero in my life; I never sought the rear for safety; but I never sought the front for glory, and I am far from being a hero. Whenever I am half-starved and dying for a loaf of bread, and somebody comes along with a long knife and says, "I want half of that," and presents the knife, and half a loaf will do me



good, I am going quietly to let him have half of the loaf and keep his knife, and I am going to eat the other half and thank God for that much. [Laughter.]

Mr. DIXON. How if he wants all of it?

Mr. WILLIAMS. Oh, my friend, the Senator from Montana does not belong to the progressives. He voted for the Payne-Aldrich bill. He will not join in this tirade against Schedule K, and yet he begins to see the error of his way. A moment ago I expected him to paraphrase the Scripture while the Senator from Texas was interrupting him, pleading with him, calling him up to the mourners' bench, and having an experience meeting with him. I expected him to say: Thou, Joe, almost persuadest me. I hope that before we are through somebody will have persuaded him completely—

Mr. DIXON. Mr. President—

Mr. WILLIAMS. And that he will be just as we are to-day, save these minorityship bonds.

Mr. DIXON. I did have a text of Scripture on my mind, but in the mêlée I forgot to quote it. The one that occurred to me when the Senator from Texas was on the floor, if I remember my Sunday-school lessons aright, was: "Unto everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath." I wanted to apply that.

Mr. WILLIAMS. That idea failed to occur to the Senator, an old, life-long Republican, until it was suggested by something that was said by the Senator from Texas. I am astounded, because I had always looked upon the genial Senator from Montana as one of the most quick-witted of men, and how any man could have gone through a lifetime, beginning early, even in North Carolina voting the Republican ticket and advocating and standing for protectionism, without having remembered it not only as a quotation but as a creed, that part of the Scripture which says, "Unto everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath," I can not understand. [Laughter.]

Mr. GALLINGER. Mr. President, I do not propose to detain the Senate at this late hour for more than a few moments. I have listened with a great deal of interest to the speech of the Senator from Mississippi [Mr. WILLIAMS], and I listened with interest to his criticism of a reply that I made in response to a remark made by the Senator from Virginia [Mr. MARTIN]. I do not recall precisely my words. Possibly the Senator quoted them correctly; but if he did, it was an inadvertence on my part. My position is well known in reference to the doctrine of protection. As the Senator from Mississippi knows, it is as wide as it possibly can be from the position that he occupies.

The Senator has told us of some things that happened in the committee. I will not refer to them beyond saying that, if they are attentively perused, the fact will be developed that the Senator from Mississippi more than once gave us to understand that he was a practical free trader, and that he would not balk at putting almost any product on the free list if he had an opportunity to do so.

Mr. WILLIAMS. I do not want to interrupt the Senator—

Mr. GALLINGER. I yield to the Senator.

Mr. WILLIAMS. But if he can find anything that justifies that statement, I should like him to put it in the Record.

Mr. GALLINGER. I think I shall be able to find it; if not in express terms, then by implication at least. Mr. President, the Senator from Mississippi takes issue with me on the question of protection, and I want to say to the Senator from Mississippi that, while we may not be as persuasive as he, while we may not be as erudite as he, or be able to entertain either the Senate or the galleries as well as he can, when this issue is drawn between the two political parties in the Senate or out of the Senate those of us who believe in the doctrine of protection will be quite ready to discuss that question. For myself, I regret that the issue has come in to-day to interrupt the consideration of the bill that we have been considering for so long a time.

I had no disposition, and have no disposition now, Mr. President, to delay a vote upon the so-called reciprocity measure. From my point of view it is not reciprocity at all, but it is here before us. The committee gave it careful consideration and listened patiently to men from the South, men from the North, men from the East, and men from the West, and it is now before this body for its deliberate consideration and action. For myself, I have no disposition to unduly delay it. I shall vote against it, but if in the wisdom of this great assembly it is thought best to put that measure on the statute book, I shall be content and trust to the future for my vindication.

Mr. President, I am against the bill that has come here from the other House dealing with the question of wool. We had an experience a few years ago which I think will be duplicated if that bill becomes a law. If this debate is to continue along tariff lines, I will take occasion in my own time and at my own convenience to call the attention of the Senator from Mississippi and of the Senate to what happened to the woolen industry in the New England States under the Wilson Tariff Act of 1892.

I am in favor, Mr. President, of American labor and American industry. I prefer that employment be given to an American in preference to a man owing allegiance to any other country on the face of the earth. I am in favor of increasing the flocks of sheep in this country instead of decreasing them. I believe that by proper protection we can greatly increase our flocks of sheep and raise a much larger proportion of the wool that is being consumed by the American people to-day. I am in favor, Mr. President, of protecting the factories and the mills that are producing woolen goods in this country, because I prefer that labor at high wages be given to the people of America rather than to the people of any foreign country.

I do not know certainly, but I think I can turn to the record and show what our imports of wool and woolen goods have been of recent years. I find the figures, and here they are: In the year 1909 we imported over \$18,000,000 worth of the manufactures of wool, and in that year we imported 293,000,000 pounds of foreign wool. If we can manufacture those goods in this country, and if we can raise that additional amount of wool in this country, then I prefer that those goods shall be manufactured here, and that that wool shall be raised in our own country rather than in Europe, in Australia, or in Argentina or any other country on the face of the earth. That is my position. I have no apologies to make; I have no qualifications to make in reference to the views that I hold on the great question of protection to American industries and American labor as heretofore advocated by the Republican Party.

Mr. President, I had not thought of saying a single word to-day. When the tariff question comes up for debate, as I presume it will later on, I may engage in the discussion, and I am willing to stay here with the Senator from Mississippi, for he is a most genial companion, and we all love him, notwithstanding he is somewhat severe in his criticisms at times, as I think he was to-day in his observations concerning a remark that I made, in which I, perhaps, inadvertently used language that did not convey the meaning I intended—I am willing to stay with him here this summer and next winter and the next summer if need be.

Mr. WARREN. And so will we all.

Mr. GALLINGER. And so will we all, to fight out this question that divides the two great political parties of this country. If the people of this country have ordained that we shall sacrifice the agricultural interests of our people in a so-called reciprocity agreement with Canada; if the people of this country have ordained that the woolen manufacturing industry and the raising of sheep in this country shall be sacrificed, I am willing to take my share in the controversy, and to go down to defeat if a majority of the Senate should so vote. I will wait after that has occurred for what I believe will be a vindication of the position that I hold, and I will not find fault with any Senator or with any man in the United States who holds an opposite opinion to mine, because I think he has an equal right with me to hold firmly to the views he holds and to the conclusions which he has reached.

Now, Mr. President, I think that is all I care to say to-day. This discussion, perhaps, will be valuable, but for myself I would much prefer that this bill should take its usual course; that it should go to the Committee on Finance without instructions, and that we should continue the consideration of the bill which my friend from Mississippi is so anxious to have voted on, and which I have had no disposition whatever to delay. I am against the reciprocity agreement, but I believe it ought to be acted on by the Senate.

Mr. REED. Mr. President, I only want to take enough time to bring the discussion, which has been most interesting, back to the question that is at issue.

The Senator from Oklahoma [Mr. GORE] has moved that this bill be referred to the Committee on Finance with instructions to report it back on the 10th day of July. Objection is made to that motion by the chairman of that committee in the polite, courteous, and senatorial phrase that the proposition is idiotic and demagogic.

It has been developed in this debate that this same committee, not composed of exactly the same members when the Payne-Aldrich bill was referred to it, excluded the Democrats from the hearings. I presume that exclusion was done in the interest



of senatorial courtesy, but I pause long enough to make the remark that if it be true that a majority of the Finance Committee can exclude the minority of the Finance Committee from the hearings, gentlemen who indulge in those practices ought not to think it a serious reflection if a majority of the Senate venture to direct them as to the day they should report back to this body.

Moreover, it has been developed that these hearings were not only had in the absence of the Democratic members, but that certain gentlemen were admitted in secret, the press being excluded, and I say that if our Finance Committee proposes to adopt any such method we had better not refer this bill to that committee at all, and we had better keep the public business in a public hall where the people can know what is going on.

I should like to have a list, I should like to see the list published, of those secret hearings that they did not dare hold in the broad, open day, for I say that no man and no committee dealing with public business ever went behind locked doors to hear any evidence for a good purpose.

Mr. President, what is this proposition as it stands before us? The chairman of the committee has intimated, if I understand him correctly, that the Democratic members might again be excluded from that committee when the hearings or when the deliberations take place. I deny with all the emphasis of which I am capable, regardless of any precedent that may have been set either by the House or the Senate, that it is proper for a portion of a committee to meet for the purpose of determining the action of the committee.

The reason we have a committee is that we may have the consensus of opinion of the entire committee, and we have called here for the proposed action of the committee, and the nearest we have as an answer as to when that committee will report is the suggestion that the Tariff Board will not report until next December.

Now, if it be true that the committee proposes to follow its former precedent and the majority members of that committee are to consider and formulate a report, then we have a situation that was well described by the great Senator who sits on my right, the Senator from Wisconsin [Mr. LA FOLLETTE], when he pictured to the Senate the fact that 9 or 10 men could hold up the business of the Senate, that a small minority could hold up the business of the Senate by holding secret caucuses; and we not only have the secret caucus, but it is proposed or at least it has been introduced into the committee.

Here is a matter that concerns 90,000,000 people, and you propose that this body, representing all of the people, can not say to the nine Republican members of that committee—I apologize to the Senator for counting him almost as one of them in this illustration—that they can not tie it up indefinitely. I say, if there is any danger of this kind, this body ought to instruct the Finance Committee every time it commits anything to it.

You talk to me about senatorial courtesy. You say it is a reflection on the committee for the Senate to instruct it to report back at a certain time, and then the committee says that they will not—the majority—that they have the right to exclude the minority. Then they not only have the right to exclude the minority from a chance to participate in the deliberations, but they have the chance and the opportunity to exclude the Senate from the consideration of that proposition and to throttle a measure that affects the welfare of the American Republic.

Mr. PENROSE. Mr. President—

Mr. REED. Mr. President, I say that that kind of senatorial courtesy is dead and buried in the Senate. It will be discovered that there are men on this floor who may be young and inexperienced, but who have had sufficient experience to understand what that kind of method leads to in the country.

Mr. PENROSE. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. PENROSE. Will the Senator from Missouri yield?

Mr. REED. Certainly.

Mr. PENROSE. Will the Senator yield, that I may make plain the position, as I understand it, of the Finance Committee?

Of course, the hearings would be attended not only by the full committee, but would be open to reporters and to the public. It was only in the framing of the bill two years ago that the Republican members met apart from the minority members, and the hearings held by the Finance Committee two years ago were informal hearings, and, as I recollect, in no case was even a stenographer present to take down the testimony. It was merely the testimony, advice, and information of persons familiar with the various schedules who were sent for by the committee, the House Committee on Ways and Means having early in the winter, before the organization of Congress, con-

ducted over a period of several months exhaustive hearings on the bill which was to be introduced in the approaching Congress. There was no mystery about the proceedings, and no secrecy. The hearings on the reciprocity bill were attended by the full committee.

Mr. GALLINGER. And the press.

Mr. PENROSE. And the reporters of the newspapers were present, as were stenographers, and the hearings are published and before every Senator.

I ought to say, if the Senator will permit me for one moment, that two years ago, immediately upon the call of the extra session, the then chairman of the Finance Committee gathered together the members of the committee, although the committee was not then complete, as the Senate had not organized its committees, and prior to the 4th of March the Finance Committee of the Senate began its sittings and continued its sittings daily for several months, during which the bill was pending in the House of Representatives, anticipating the measure coming to the Senate and with the desire to expedite the work, to pass the bill, and quiet the business disturbances caused by the prolonged discussion.

Mr. REED. That is the trouble with the whole matter. The hearings were quite too informal and quite too secret.

Now, I do not understand the position of my friends on the other side. A moment ago, when it was being urged that we needed a long time to take evidence and to consider this bill, we were told that the committee in considering the Payne-Aldrich bill had sat for a long time and had had hearings, and that was used as a justification for the quick passage of that bill. But now we are told by the Senator they were informal hearings; that only experts of some kind came before that committee; that evidence was not taken. So that either one or the other of these positions must be true, either the Payne-Aldrich bill was passed without any real hearing, without any real evidence, without giving the public a chance to be heard, and therefore it might well be used as a precedent here for a short hearing, or else they did have hearings; and if they did have hearings, then they were secret hearings from which the press was excluded, and from which the Senate was excluded, and the benefit of which neither the minority of the committee nor the Senate ever received.

Mr. PENROSE. I would like to call the attention of the Senator from Missouri, in all fairness and all seriousness, to the radical difference between the situation at this Congress and two years ago. Two years ago the House of Representatives held prolonged and exhaustive hearings, and it would have been unwarranted delay and unnecessary labor for the Senate committee to have indulged in a repetition of those hearings from the same persons who appeared before the House committee; but in this Congress, as far as the record shows, no opportunity has been given to be heard to the hundreds and thousands of persons asking for hearings, and the situation is reversed. It would seem as if it was almost the duty of this great deliberative body to give an opportunity to be heard in view of the fact that no hearings, apparently, were granted by the House.

Mr. REED. The hearings that were had before the House that went exhaustively into every one of these questions are as available now as they were when the committee reported back the Payne-Aldrich bill after two days consideration.

Mr. PENROSE. The proposition is different.

Mr. REED. And every fundamental fact that was brought out with relation to production and consumption and the cost of production is as true to-day as it was then, with the slight fluctuations in the market; and in 20 days' time any committee that means business, that wants to report this bill back, can gather every fact of that kind that it desires to gather, and they can not only get the evidence, but they can get more evidence than will ever be read by this body, and if they proceed as that committee has proceeded on the subject of reciprocity, and at the end of the time the majority of the committee are unable to lay before this body its views or its suggestions, I want to know what benefit we will get from its prolonged consideration of this subject.

Mr. WORKS. Mr. President—

Mr. REED. One moment. The truth is, and every Senator here must recognize it, that there is an indisposition to report back to the Senate the bill known as farmers' free-list bill, and the Senate ought to make sure before it sends anything to that committee that they will report it back. I say again, and then I will yield to the Senator from California, that I have nothing but profound contempt for that kind of senatorial courtesy which would prevent the Senate from saying when its committee shall report back, when that committee has in the past, and it does not yet disclaim its purpose for the future, excluded a portion of its own members from the deliberation of public matters that were consigned to its keeping.



Mr. WORKS. I should like to ask the Senator from Missouri if he believes that the motion of the Senator from Oklahoma was made in good faith to hasten action upon this bill?

Mr. REED. I so believe.

Mr. WORKS. If so, I think some of us on this side of the Chamber are willing to vote for the motion upon that theory. But if the other side is going to take the great part of the time in speechmaking I am afraid we are going to change our minds, because it is devoted to a discussion of the tariff question generally and the conduct of the Finance Committee; and that has no bearing upon the question which is before the Senate. I am one of those who believe that the business of the Senate should be hastened, and I think this is a good time to commence.

Mr. REED. The Senator from California will hear me out in the statement that I have not been discussing the tariff. I have tried to discuss the necessity of the Senate keeping its hand upon its own business and of seeing that this matter is reported back.

I want to assure the Senator from California that this motion made by the Senator from Oklahoma was made in good faith in the hope to expedite this business and in the hope that the Senate might have before it these important measures at an early date.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SMOOT. I want to call the Senator's attention to the fact that the bill came from the House of Representatives to-day, and I doubt very much whether it is in the hands of the Finance Committee, and before it is received by the committee a motion is made that we are to make a report upon it on the 10th day of July.

Mr. REED. Certainly.

Mr. SMOOT. The Senator must know that the business of the Senate is always in its own hands.

The Senator made a statement that the committee had excluded certain Members from its hearings, and inferred as much as that it could exclude the whole Senate from the consideration of any question. The Senator must know that under the rules of the Senate the Senate can discharge a committee at any time when a majority of the Senate wishes it so. So there is no need of any haste here at all. If the committee does not report the bill in time, after a due length of time has been given to it, any Member of the Senate can move to discharge the committee from its further consideration, and if there is a majority of the Senate in the same frame of mind it can take the bill away from the committee and bring it on the floor of the Senate.

Mr. REED. I thank the Senator for suggesting to me that the Senate can discharge a committee. I have not been here very long, but I was quite aware of that fact.

Mr. SMOOT. Well, I—

Mr. REED. But if we were to undertake to do it we would again be confronted with the ghost of senatorial courtesy, and we would be told we were abusing the committee.

Now, I submit that outside of this body it is the universal and uniform custom, at least on occasions, to fix times for committees to report back. We are giving 20 days, and that is enough. That is all I want to say about the matter.

Mr. McCUMBER. Mr. President, all of the arguments upon the other side to-day have suggested and have been based upon the presumption that any evidence which will be produced by the committee will be of no value to the Senate, and I am in perfect accord with that suggestion. We have spent six weeks in taking testimony upon the reciprocity agreement. All of the evidence taken was practically on one side. All of the evidence was against the reciprocity agreement. There was a little talk in its favor, but there was no evidential fact before the committee which could be said in any way to favor the reciprocity agreement, and notwithstanding the volumes of testimony, notwithstanding their evidential value, we will not be able to change a single vote in the Senate of the United States.

If that is true upon the reciprocity agreement, I think I am justified in saying and in agreeing with the Senators on the other side that it will be equally true with reference to any testimony that may be secured by the Committee on Finance.

Mr. President, I have not talked with my associates upon that committee as to whether or not they wish to investigate the subjects any further. I am inclined myself to agree with the Senator from Missouri [Mr. REED] that the evidence which was taken two years ago is perhaps pretty good evidence to-day; that there has been very little change in conditions such as to make that evidence valueless; and if that evidence was suffi-

cient for us to base general tariff legislation upon, I am inclined to think that it is sufficient for us to-day.

Being a member of the Committee on Finance and not having discussed the question with my associates, I am hardly in a position to father a motion that the bill be printed and lie on the table for future action without reference to the committee. But if the argument of the Senators on the other side is correct, I am willing that any one of them should make that motion, and I am perfectly willing on my own part to relieve myself of the necessity of many long days of investigation of that subject. I would support a motion to print the bill and allow it to lie on the table without any reference whatever.

But I do think, Mr. President, that if we go into the subject, if we are compelled to investigate it anew, it is not proper to-day to fix the day on which we shall report it back, inasmuch as that request can be made at any time. The Senate Committee on Finance may show that it is not at all dilatory in its action, and I for one will not favor any dilatory tactics whatever. I am willing to get through with this evidence as soon as possible. It seems to me that then we should wait until we find what the committee is going to do. If the committee goes at this matter in too leisurely a style and shows a disinclination to hurry it, then I think it would be time enough for the Senate to call it to account and ask it to report the bill back at a time fixed.

But if Senators on the other side wish to have this matter before the Senate to-day without any further investigation, I am with them and will vote with them upon a motion of that kind. On the other hand, I can not support this motion that will to-day fix a time, if we are going to investigate it at all.

Mr. SUTHERLAND. Mr. President, I am quite willing to vote upon this question now. The Senate has been in session something over six hours, and there does not seem to be any indication that this debate is to end in any reasonable time. I ask the Senator from Oklahoma whether he is not willing that we should now take an adjournment?

Mr. CULBERSON. We are unable to hear the request of the Senator from Utah.

Mr. SUTHERLAND. Inasmuch as the indications are that this debate is to continue for some time, and nothing is to be gained by remaining in session any longer, I suggested to the Senator from Oklahoma that we might take an adjournment.

Mr. SHIVELY. It will not take any longer to take a vote on the motion to refer with instructions than on a motion to adjourn.

Mr. SUTHERLAND. If we could take the vote, that is quite true; but there is no indication that we will be able to do it.

Mr. GORE. I think we had better proceed now, if possible, to vote. I will not be willing now to have it go over.

Mr. GALLINGER (at 6 o'clock and 5 minutes p. m.). Mr. President, if it is determined by a majority of the Senate that this discussion shall proceed, I will have no objection; but the only way to determine that is upon a vote, and I move that the Senate do now adjourn.

Mr. MARTIN of Virginia. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present, I should vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. In his absence, I withhold my vote.

Mr. JOHNSTON of Alabama (when the name of Mr. CLARKE of Arkansas was called). The senior Senator from Arkansas [Mr. CLARKE] is paired with the Senator from Wisconsin [Mr. STEPHENSON]. The Senator from Alabama [Mr. BANKHEAD] is paired with the Senator from Connecticut [Mr. BRANDEGEE].

Mr. DILLINGHAM (when his name was called). Observing my general pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired with the Senator from Arkansas [Mr. DAVIS] and will withhold my vote. If I were privileged to vote, I would vote "yea."

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. As he is absent, I will withhold my vote.

Mr. REED (when his name was called). I am paired with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Tennessee [Mr. LEA], and vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The Senator from Michigan [Mr. SMITH] was un-



expectedly called out of town night before last on an important matter. He has not yet returned.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Maine [Mr. JOHNSON] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. In his absence, I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the senior Senator from Oklahoma [Mr. OWEN] and vote. I vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming. I will transfer my pair with the Senator from Missouri [Mr. STONE] to the Senator from Nevada [Mr. NIXON] and vote. I vote "yea."

Mr. BRADLEY. I have a general pair with the senior Senator from Tennessee [Mr. TAYLOR]. As he is not present, I withhold my vote.

Mr. GALLINGER. I have been requested to announce that the Senator from Connecticut [Mr. McLEAN] is paired with the Senator from Montana [Mr. MYERS].

Mr. CURTIS. I have been requested to announce the pair of the Senator from Colorado [Mr. GUGGENHEIM] with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. BAILEY. I wish to announce the pair of the Senator from Kentucky [Mr. PAYNTER], which the Senator from Kansas has just stated.

Mr. MYERS (after having voted in the negative). I have a general pair on political matters with the Senator from Connecticut [Mr. McLEAN]. I understood from other Senators that a motion to adjourn is not considered a political matter. On the next vote to be called, the vote on the motion of the Senator from Oklahoma, I intend to vote, if I vote at all, "nay," because I think the Senator from Connecticut will vote the same way, and my pair would not hold. Therefore I considered my vote on the matter of adjournment immaterial. However, as my vote is in a measure challenged, I will withdraw my vote on the motion to adjourn, and not vote.

Mr. BACON. I have a general pair with the senior Senator from Maine [Mr. FRYE]. I transfer that pair to my colleague [Mr. TERRELL], and I will vote. I vote "nay."

The result was announced—yeas 21, nays 35, as follows:

#### YEAS—21.

Bourne	Dixon	Lodge	Townsend
Burnham	du Pont	Lorimer	Warren
Burton	Gamble	Penrose	Wetmore
Clark, Wyo.	Heyburn	Perkins	
Cullom	Jones	Root	
Curtis	Lippitt	Smoot	

#### NAYS—35.

Bacon	Fletcher	Martin, Va.	Simmons
Bailey	Foster	Martine, N. J.	Smith, Md.
Bristow	Gore	Nelson	Smith, S. C.
Brown	Gronna	O'Gorman	Swanson
Bryan	Hitchcock	Overman	Thornton
Clapp	Johnston, Ala.	Polndexter	Watson
Crawford	Kenyon	Pomerene	Williams
Culberson	Kern	Reed	Works
Cummins	La Follette	Shively	

#### NOT VOTING—35.

Bankhead	Davis	Myers	Richardson
Borah	Dillingham	Newlands	Smith, Mich.
Bradley	Frye	Nixon	Stephenson
Brandegee	Gallinger	Oliver	Stone
Briggs	Guggenheim	Owen	Sutherland
Chamberlain	Johnson, Me.	Page	Taylor
Chilton	Lea	Paynter	Terrell
Clarke, Ark.	McCumber	Percy	Tillman
Crane	McLean	Rayner	

So the Senate refused to adjourn.

Mr. HEYBURN. Mr. President, there is not only the question of the immediate disposition of this bill involved but there is involved a principle that it seems to me should appeal to Senators. Only two years ago the people of the United States through their Congress enacted a law covering this schedule. It was after the people had been heard fully. It was after the people had had an opportunity of being heard before both Houses of Congress. The people, responding to the opportunity given them to present themselves and the facts upon which they based their conclusions, appeared before Congress and were heard at great length. As a consequence of that hearing Congress in its wisdom enacted the present law. It has only just gone into effect.

Now, it is proposed within a few months to disregard the wishes of the people who were heard before the committee, and to repeal the legislation of Congress that was enacted in response to the demand of those who appeared. That is the question presented by this bill.

The measure comes to us in the ordinary course of legislation from the House. It receives three days' consideration in the committee of that body. It was introduced on the 2d of June, reported on the 6th, and one of the intervening days was a Sunday. We have no suggestion that the people whose interests are involved in this legislation have changed their mind or that any new condition of facts than those upon which the last Congress acted have arisen. Presumably the facts are the same, and it naturally follows that the wisdom of the legislation rests upon those facts.

We are asked to change our conclusion of the last Congress without any additional facts upon which to base that change. Under the ordinary procedure of the Senate an opportunity to present the new facts upon which to urge new conclusions would be afforded before the Senate's Committee on Finance, having charge of this measure. It is obvious that this opportunity should be afforded the people. It does not seem to me to be fair that the verdict of the last Congress should be set aside without some reasons being given for such action. It is true that in the period suggested of 20 days some facts might be ascertained. It is equally true that because of the size of this country geographically those facts could not reach the committee during that time except to a very limited extent. It is equally true that the people whose interests will be affected by this proposed legislation are entitled to be heard. It is braggart legislation that is forced through under such circumstances by those who are continually fretting the air with their assertions of devotion to the will of the people. They clamor for the echo of the voice of the people—that is, they do in public—and when the responsible hour comes to test their sincerity, they deny the public the opportunity to be heard.

Mr. President, I was not willing, and I am not now willing, that this matter should be disposed of without making a record that the people can read, whether they hear it or not. This is a proposed repudiation of the express judgment of the last Congress, which terminated only on the 4th of March last. We are asked to assume that it is true that the people between the 4th of March of this year and this day have changed their minds and that the facts and conditions which were the basis of existing legislation have also changed. It is sought to deny us the opportunity of ascertaining whether or not this is true. I think it will hardly commend itself to the people of the country that Congress is willing to act in an irresponsible way by asserting in one hour that the judgment of a Congress that was the result of months of consideration is no longer to be commended or sustained.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	La Follette	Root
Bailey	Dillingham	Lippitt	Shively
Bourne	Dixon	Lodge	Simmons
Bradley	du Pont	Lorimer	Smith, Md.
Bristow	Fletcher	McCumber	Smith, S. C.
Brown	Foster	Martin, Va.	Smoot
Bryan	Gallinger	Martine, N. J.	Sutherland
Burnham	Gamble	Myers	Swanson
Chamberlain	Gore	Nelson	Thornton
Clapp	Gronna	O'Gorman	Watson
Clark, Wyo.	Heyburn	Overman	Wetmore
Crane	Hitchcock	Penrose	Williams
Crawford	Johnston, Ala.	Perkins	Works
Culberson	Jones	Polndexter	
Cullom	Kenyon	Pomerene	
Cummins	Kern	Reed	

Mr. MARTIN of Virginia. I desire to announce that the junior Senator from Tennessee [Mr. LEA] is unavoidably detained from the Chamber by his own illness and by illness in his family.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Idaho.

Mr. HEYBURN. Mr. President, I have no greater interest in this matter than another Senator, and it is not my intention to undertake to prolong the consideration of this question until to-morrow's session. I am sincere in my belief that the people to be affected by this legislation should have an opportunity of being heard in one body or the other. Had hearings been held where the bill was introduced, then we might have availed ourselves of the facts, which must be stupendous in themselves to justify the repeal of legislation which has been in effect only a year.

Some great revolution must have occurred in the industrial world to make it wise or necessary to change a law enacted less than two years ago, and, as a member of the Committee on Finance, I want to know what it is. I want to know what new conditions have arisen that demand even the consideration of the revision or repeal of that law, so recently enacted. I, for



one, want to hear some testimony or statement from some responsible source as to why that law should be repealed or modified; I want to hear some facts upon which to challenge the wisdom of the Sixty-first Congress, and I want them to be heard in the usual manner in which such things are brought before the Senate.

The Committee on Finance is empowered, under the standing rules that govern this body, to inquire into the necessity and wisdom of certain legislation proposed to be enacted. Some Member arises in his place and asks that that committee shall be limited and directed and controlled before the bill is read in this House, before the measure is even before the Senate, so that Members may know what is proposed in the way of legislation, and before it is referred to the committee at all. It can not be that it is with the suggested alternative that, unless this committee will abrogate its office or promise itself not to perform its duty, the measure will not be referred to it at all.

There is no Member of the Senate and no member of that committee who could form any intelligent and honest judgment as to the length of time necessary to develop before that committee such facts as would justify it or justify the Senate in reversing the action of the Sixty-first Congress. It is sensational in the highest degree to propose that a standing committee of this body shall perform its duty at the dictation of anyone, when that duty must represent the conscience of the committee.

We have no cloture rule in the Senate, yet you propose to establish one for the committee before a single circumstance has developed that would indicate the necessity for so doing. What is it that prompts Senators to anticipate failure in the performance of duty by a committee of this body? It is difficult to choose words within parliamentary rules to describe it. It is not senatorial; it is not parliamentary; it is not fair merely because a Senator is in favor of a measure to trample down every rule of propriety in order to rush it through, regardless of what is fair.

If it were possible to break down this great Government of ours, I can think of no procedure more apt to bring it about. What confidence will the people have in legislation if it shall be based upon a refusal to listen to the voice of the people when they are entitled to be heard? They have recently spoken through their Representatives in Congress upon this question. Congress has recorded the will of the people in the legislation that was enacted. Talk about sensational proceedings, this motion is as sensational as you might expect to hear in a socialistic convention. It is not befitting the dignity, it is not befitting the conservatism that should mark the proceedings of the Senate of the United States. Its purpose is to ride over the established order of procedure in this body, to disregard it. It is the kind of sentiment that should have no place in the Senate.

We have not undertaken to attack any other committee of this body in this way. If a committee shows a disinclination to perform its duty, then bring it before the Senate, because the committee is comprised of Senators equal in every respect with those who are not on the committee. To do this on party lines is less creditable. I am speaking in the aggregate now. It is not a creditable performance that either party in the Senate shall undertake to say to a standing committee, "You shall not exercise a conscientious judgment in this matter; you will jump to the snap of the whip, and you will come in with your report when we tell you to, and you will report as we tell you to." That will be the next thing. Some Senator may rise in his seat and offer a resolution that the committee be authorized and instructed to report favorably or unfavorably on a measure before it. One might be done with as much propriety as the other.

Mr. JONES. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes; I yield.

Mr. JONES. I think we ought to have a quorum present.

Several SENATORS. Oh, no.

Mr. HEYBURN. I have nothing to do with it.

The PRESIDING OFFICER. The Senator from Washington raises the question of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Bryan	Culberson	Fletcher
Bailey	Burnham	Cullom	Foster
Bourne	Chamberlain	Cummins	Gallinger
Bradley	Clapp	Dillingham	Gamble
Bristow	Clark, Wyo.	Dixon	Gore
Brown	Crane	du Pont	Gronna

Heyburn  
Hitchcock  
Johnston, Ala.  
Jones  
Kenyon  
Kern  
La Follette  
Lippitt

Lodge  
Lorimer  
McCumber  
Martin, Va.  
Martine, N. J.  
Myers  
Nelson  
O'Gorman

Overman  
Penrose  
Perkins  
Pomerene  
Shively  
Simmons  
Smith, Md.  
Smith, S. C.

Smoot  
Sutherland  
Swanson  
Warren  
Watson  
Wetmore  
Williams

Mr. DILLINGHAM. My colleague [Mr. PAGE] was obliged to leave the Chamber on account of indisposition.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, it is not my intention to prolong this debate. There should be no occasion to speak at all. The country is under the impression that it has a Republican Senate. The people are entitled to believe that the Senate of the United States is Republican by majority. So that this question having been made a party question by the other side, should safely go to a vote with the assurance that the Republican Party would prevail. The vote that is cast on this question of protection or the manner of legislating upon this question of protection will show the people of the country whether or not the Senate is Republican. Unless the vote is against this motion, the people may have been mistaken.

Republicans vote together on tariff questions. When it is a question of the consideration of tariff questions, while they differ in regard to details in the making up of tariff measures, when the question is, Shall the tariff be considered from the Republican standpoint? Republicans vote for it, Democrats vote against it; and I shall watch the result of this vote with interest—and the country will—to see whether or not the Republican Party has a majority in the Senate.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. Does the Senator mean that he will watch the vote on the so-called Canadian tariff bill for that purpose?

Mr. HEYBURN. I mean exactly what I said. I will watch the vote on this question, which is whether or not this tariff measure shall be considered along Republican lines or along Democratic lines. That is the vote I will watch. And if the Senator means to anticipate the vote on the Canadian tariff bill, I will say to him that he will not have the opportunity of seeing me walk out of the Republican Party at this or any other time.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. CLAPP. The bill comes from a President elected as a Republican; it passed the House against a majority of the Republican vote of that House; and I should like to know the Senator's analysis of its Republicanism.

Mr. HEYBURN. The bill came from a Democratic House, and I want to know whether or not a Democratic Senate is going to determine its destiny.

Mr. CLAPP. Mr. President—

Mr. HEYBURN. There will be no majority of Republicans in favor of this Democratic measure. I can assure the Senator of that fact.

Mr. CLAPP. And I can assure the Senator that that bill can never pass the Senate without Republican votes.

Mr. HEYBURN. Well, there are a good many measures—

Mr. CLAPP. Yes.

Mr. HEYBURN. That have passed the Senate which should not, that passed it with the aid of Republican votes.

Mr. CLAPP. Never as vicious a one as this, however.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

Mr. LA FOLLETTE. Mr. President, speaking for myself, I am prepared to vote at this time on the tariff bill revising the duties on wools and woolens, which passed the House of Representatives on yesterday and was received by the Senate to-day. I believe that every Senator is ready to record his vote upon this bill. The Congress that framed the Payne-Aldrich law took the testimony of some 250 witnesses on wool and woolens as affected by Schedule K of the tariff law, and printed the evidence in a volume of nearly 800 pages. That testimony is accessible to every Senator. We need waste no further time with hearings. The country wants legislation on this subject. It has had enough of hearings. It wants action. If the Committee on Finance were to examine witnesses for months and print volumes of testimony it would not change the opinion of a member of the Finance Committee or a Senator upon this floor.

It has been asserted in the course of the debate upon this resolution that the vote will determine whether there is a



Republican majority in the Senate. I do not permit any Senator to question my Republicanism because I do not happen to agree with that Senator upon some phase of the tariff question. I defined my views regarding Schedule K two years ago when the tariff bill was pending before this body. At that time I analyzed that schedule, presented a series of amendments to revise it upon a basis which I believed to be, and, I think, demonstrated to be, strictly in accord with the Republican platform of 1908. There are no changed conditions, Mr. President, which would lead me to a different conclusion upon that schedule. Every Senator here knows full well that nothing has transpired which would lead any Senator to a change of attitude regarding the tariff on wool and woolsens within the last two years.

The fact that I do not agree with some Republican Members of the Senate who are opposed to any changes in the duties in Schedule K warrants no challenge of my good faith in any respect, and I resent it here and now. No Senator here has the right or power to determine my political status or my political standing.

I regret the course, in one respect, which this discussion has taken this afternoon. It is becoming quite the fashion recently, first upon the Democratic and then upon the Republican side of the Senate, to arraign and assail the progressive Republicans. I do not believe it serves any good purpose to indulge in that sort of political practice upon either side of this Chamber. There are a few Members of this body who are progressive Republicans. They have certain convictions, and they will support and defend their convictions regardless of the taunts and innuendoes and baitings from either side of this Chamber. They will stand, I will say to the Senator from Mississippi, on the tariff question, now and hereafter, just where they stood when the Payne-Aldrich bill was before the Senate, and they do not need to be catechised by anybody. They have never swerved one hair's breadth, Mr. President, from the course which they have marked out for themselves, nor will they.

Now, then, it was suggested by the Senator from Mississippi [Mr. WILLIAMS] that he would not stand for any amendment of the President's reciprocity pact as formulated in the pending bill, because he had taken some pains—I do not undertake to quote exactly his language—to ascertain that if it were amended it could not become a law. I took that to mean, and I can not interpret it in any other way, that he has been informed by the Executive that if the so-called reciprocity bill is amended it will be vetoed.

Mr. SMOOT, Mr. CLAPP, and others. Ask him.

Mr. LA FOLLETTE. No. If he desires to make plainer what he said, he will do so without my catechising him. I want to suggest to him that some Senators here have learned from experience when other measures were pending that such Executive suggestions do not materialize when the test comes.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. Certainly.

Mr. SMOOT. The only reason I suggested it was because the inference I got from the remarks of the Senator from Mississippi was that the House would not accept the bill if there was a change in it. I may be wrong. That is the reason why I suggested to the Senator from Wisconsin that he ask the Senator from Mississippi.

Mr. WILLIAMS. I will say that all gentlemen are at liberty to speculate.

Mr. BAILEY. Will the Senator from Wisconsin permit me?

Mr. LA FOLLETTE. With pleasure.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I do.

Mr. BAILEY. If it is true that to amend the reciprocity bill with the free-list bill would defeat them both, then it absolutely means that the free-list bill has no chance whatever to become a law unless we do attach it to that bill.

Mr. LA FOLLETTE. Mr. President—

Mr. WILLIAMS. One word.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. In just a moment.

Mr. President, I concur in the view expressed by the Senator from Texas, and, sir, it is equally true then, without doubt, that an independent reduction of the duties in Schedule K would have no chance to become a law. If we honestly desire to relieve the people of some of the excessive burdens of taxation by reducing tariff duties, the amendment of this Canadian tariff bill offers us the opportunity, and the only opportunity which may come to us during the life of the present administration.

The friends of this Canadian bill aver that they have the votes to pass it. I believe their confidence is well grounded. It will go to a President who will sign it. He might veto an independent tariff bill, making wholesome reductions in the duties on woolsens and cottons and adding to the free list articles which will substantially benefit the farmers, who, by the terms of the so-called reciprocity bill, are to surrender their market to Canada. But if we add these just and righteous reductions to the Canadian tariff bill the entire measure will receive Executive approval. Thus the agricultural interests will be in some measure compensated for the loss of their markets and the consumers throughout the entire country secure a measure of the downward revision of tariff duties which they were promised in 1908.

If we will make reductions in the woolen and cotton schedules which we can safely make—reductions which will wrong no manufacturing interest, reductions which will leave a margin of safety above the line of difference in production cost between this and the competing countries—with the loss of only a modest revenue, we shall save to the purchasers the better part of \$200,000 annually. Sir, this would be a great service to the people of this country everywhere. This Canadian tariff bill, passed just as the President desired it, will benefit nobody but Canada, the railroads, a few trusts, and the newspapers.

Mr. President, shall we incur the risk of letting this chance of at least a partial tariff revision go by? How shall we answer to the public if we then fail of tariff reduction altogether?

Sir, the President has declared Schedule K an "indefensible outrage." Further, he made a campaign and was elected upon a declaration that the revision of the tariff should be downward and not upward. I believe he will think it unwise to withhold approval of a bill that enacts into law his particular measure—this Canadian pact, which is not reciprocity in any sense—because we have amended it, even though not to his liking. This will be especially true when our amendments actually reduce taxation upon the people of this country by revising downward that same Schedule K and some others nearly, if not quite, so intolerable.

In advocating reductions I am unwilling, with my view of tariff revision, to go further than the present information will justify.

Mr. President, what I shall offer to the Senate as an amendment to the Canadian administration bill, as a revision of Schedule K and of the cotton schedule, will be shown to be easily and safely within the line of the difference in production cost. It will be offered with the expectation that when the Tariff Board shall have completed its expert work upon any one of these schedules that schedule can be taken up by Congress for thorough and scientific revision. I have no doubt that when that work shall have been done it will be found that upon the difference in the cost of production between this and the competing countries we can cut far below the duties which I shall propose in the amendments I offer.

Mr. President, just one word further with reference to the suggestion I made that there was an Executive threat here that this bill would be vetoed if it were in any way amended.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. Certainly.

Mr. WILLIAMS. In reference to what I said a moment ago, that there may be no misunderstanding I wish to say that there has been no communication with the President of the United States to me to that effect, or anything similar to it, if the Senator from Wisconsin really meant that. I thought he was joking.

Mr. LA FOLLETTE. Does the Senator mean an official or a personal communication?

Mr. WILLIAMS. Any sort involving any expression of what the President would do in regard to any veto upon any subject.

Mr. LA FOLLETTE. I am very glad to hear the Senator from Mississippi make that statement. I was not quite able to interpret just what the Senator meant by the statement that he had taken pains to ascertain whether it would not become a law later.

Mr. WILLIAMS. If the Senator from Wisconsin will permit me one further interruption, I will state what I meant by that.

Mr. LA FOLLETTE. I shall be glad to hear it.

Mr. WILLIAMS. I said there was a twofold danger; that the first and greatest danger was that after the amendment had been tacked upon the Canadian reciprocity bill enough Republican Senators now supporting Canadian reciprocity would desert the combination of the two to defeat both. But it is a mere speculation upon the part of the Senator from Wisconsin, and upon my part, as to what the President of the United States will do with a free-list bill or with the woolen schedule. I



agree with him that the President of the United States would probably sign a properly reconstructed woolen schedule, but it is a mere speculation as to both.

Now, the Senator from Wisconsin can afford to involve in that speculation the Canadian reciprocity bill because he is not in favor of it, so that if the President did veto the two both would be dead, and he would not care so much. But I can not afford to involve in the speculation as to the free-list bill, for example, a speculation as to Canadian reciprocity. That is another risk.

The greatest risk is right on the floor of the Senate. Republicans here who are supporting the administration and voting for Canadian reciprocity would probably vote against that, but others would tack it on. Those who want to defeat Canadian reciprocity, of course, would join hands with the Senator from Wisconsin, who would be willing, in good faith, to vote for the measure as amended.

They would join hands with him until they had amended it and then they would join hands with those who had left the bill to defeat the measure as amended, and enough Republicans who are supporting Canadian reciprocity now would leave the two measures tacked one to the other to defeat the combined measure. That is what I meant. I have taken some trouble to try to satisfy myself whether or not that would be the result, and whether I arrived at an accurate conclusion or not, I arrived at a conclusion satisfactory to myself that it would be the result.

Mr. LA FOLLETTE. Mr. President, I have no means of knowing how thoroughly the Senator from Mississippi made his investigation or how accurate his conclusion. In this matter I can speak only for myself. If the administration bill can be so amended as to compensate the farmers for the loss of their markets by reducing tariff duties, and hence reducing excessive prices for commodities and supplies which they and all the people must buy from our protected manufacturers, trusts, and combinations, then, sir, I would vote for the bill so amended.

Mr. President, if the Democrats on this floor will stand for amending the reciprocity bill by reducing these duties, which can not be justified, on woolen goods, making a saving of \$100,000,000 to the people who must buy clothing; by reducing the duties on cotton goods, making a saving of fifty or more millions annually to the people who must buy cotton clothing; and by further reducing duties upon certain items in other schedules, I have no doubt—

Mr. OVERMAN. And increasing the free list.

Mr. LA FOLLETTE. And by reasonably increasing the free list I have no doubt we will be able to send to the President a reciprocity bill amended by tariff provisions that, on the whole, will be beneficial to the entire country. I believe the agricultural interests of this country will take the reductions that will come to them from the reciprocity pact if at the same time they can have just, reasonable, and proper offsets and compensation in reduction of the excessive duties on the things they have to buy.

Sooner or later, in the consideration of this Canadian pact, the Senate will come, Mr. President, to pass upon exactly that question, and it will not be necessary for any Senator upon the Democratic side or any Senator upon the Republican side to set the progressives in this body up as targets for their jibes and sneers. We will take care of our record, if you will take care of yours. Do not worry about that. We will perform our duty according to our lights, as you perform yours according to your lights.

I have had no authority conferred upon me to speak for the progressive Republicans in this matter; but, sir, basing my judgment upon the record which they have made upon tariff legislation, I believe I have fairly stated their position.

For my own part, upon this motion, Mr. President, believing that the Senate is in possession of all the facts necessary to act upon this bill and that the public interest will be subserved by its adoption, because it will bring to a speedy determination the questions that are pending before the Senate, I shall support it.

Mr. SIMMONS. I wish to ask the Senator one question before he takes his seat.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. SIMMONS. Do I understand the Senator to say that if a solid or something like a solid Democratic vote can be secured in favor of an amendment to the reciprocity treaty, embracing the several schedules to which he has referred, and including the putting of certain things upon the free list, enough votes can be secured from that side of the Chamber to amend the treaty in this respect, and then to pass the treaty, even if every Republican now supporting the treaty shall abandon it?

Mr. LA FOLLETTE. Mr. President, in my judgment, having in mind the public record of the progressive Republican Senators, I believe a reasonable tariff revision along the lines which I have suggested can be made a part of the President's bill, and that, when so amended, the bill will receive the same support upon its passage. I make this statement, not because I am commissioned by progressive Republican Senators to announce their votes upon this bill (and I certainly do not assume to deliver any votes upon any proposition), but I know something of the views and the records of progressive Republicans and of their controlling purpose to serve the public interest, and I state what I believe the results will fully confirm.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from North Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. SIMMONS. The question I wish to have the Senator answer is, Whether if that proposition should receive something like a solid Democratic support, in the judgment of the Senator would it receive enough votes from the other side to pass it with the amendment?

Mr. LA FOLLETTE. In my judgment, if the Democrats, who have been criticizing the progressives and speculating as to whether they were merely talking for effect upon the tariff two years ago, will just make sure of the votes upon the Democratic side to amend the so-called reciprocity bill by reducing tariff duties along the lines which I have suggested, then, I repeat, in my judgment there will be enough progressive Republican votes not only to amend but to pass the bill through the Senate. That is precisely what I mean.

Mr. President, the course which I have marked out is the only way to insure at this session real tariff reductions which will be of any substantial benefit to the consumers of the country.

Mr. CUMMINS. Mr. President, ordinarily I would not support a motion of this character, because I believe that under the circumstances which usually surround this body a committee to which a bill is assigned should have an opportunity to consider it without an instruction of this sort. But we are not surrounded by ordinary circumstances. It is idle to disregard the atmosphere that fills this Chamber, and that has filled it from the beginning of the session until the present moment. The man who does not know in a general way what has been proposed with regard to the work of this session has closed his eyes and has deadened his ears to the most obvious facts all about us.

I am not imputing it to any especial source, but it is well known that it is proposed to pass the alleged reciprocity measure unamended and allow it to become a law. It is well known that the Finance Committee has not proposed and has not intended to report any other bill which looks to the revision of the law of 1909. I am not criticizing that committee, but their point of view is just as well understood as is the point of view of anyone who has expressed his opinion openly upon the floor of the Senate.

Mr. LODGE. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I do.

Mr. LODGE. As one member of the Finance Committee, I desire to say to the Senator there has never been any such understanding on the part of the Finance Committee within my knowledge, or of any kind. As one member, I expected those bills to be dealt with and reported at the earliest possible moment; I do not say how reported, but reported to the Senate at the earliest possible moment.

Mr. CUMMINS. It is immaterial how they are reported; but I have heard so often the suggestion that we must not enter upon the revision of any of the schedules of the tariff until we had the complete and final report of the Tariff Board, with respect to such schedules as may be attacked, that I can not but believe that I have correctly stated the intent. Mark you, I did not use the word "understanding." I do not suppose there has been any agreement among the members of the Finance Committee about it; but I do know, if I am permitted to believe what my eyes see and my ears hear, that it is not expected that we shall enter upon the revision or the consideration of any other schedules of the tariff save those which are involved in the alleged reciprocity measure.

Mr. McCUMBER. Will the Senator yield to me?

The PRESIDING OFFICER. Will the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I will.

Mr. McCUMBER. I simply desire to say, as one member of the Committee on Finance, there has been no such intent, no such purpose, but I expected that we would report on



both of the important bills which passed the House and have them acted on during this session. If there is any understanding of any member of the Finance Committee to the contrary, it has been an understanding in his own mind, which he has not conveyed to the other members of that committee, so far as I know.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. PENROSE. I desire to state as a member of that committee, and as chairman, that it has always been my intention, and my publicly expressed intention, to call a meeting of the committee immediately on the receipt of this wool bill and proceed in good faith to the consideration of it. I have been in receipt of thousands of requests from people from the Atlantic to the Pacific Ocean and from the Canadian border to the Gulf of Mexico asking for hearings on the free-list bill and on the wool bill, and I have answered all their communications, and informed them that when the wool bill was received by the committee those bills would be taken up promptly, and that they would receive ample notice of the hearings.

As to the character of the report, of course, there was no assurance, but that the bills would be reported at some time or other certainly and proceeded with was distinctly understood among all the members of the committee. If it shall be the will of the Senate that these thousands of persons shall be denied the same rights which were patiently extended to the agricultural interests of the country on the reciprocity bill, it will not be the fault of the Finance Committee of the Senate.

Mr. CUMMINS. Mr. President, I do not doubt in the least degree the statements just made by the chairman of the Finance Committee, but I remember that a few days ago I read a report which seemed to come from the Finance Committee—I mean from the chairman of the Finance Committee—immediately after he had visited the Executive Mansion.

I read the report in one of the Washington newspapers—I do not know how accurate it may have been—the substance of which was that the distinguished Senator from Pennsylvania [Mr. PENROSE] had just been in consultation with the President; that he had reassured him respecting the early passage of the reciprocity bill without any amendment whatsoever, and had stated that it was his opinion that Congress would be able to reach an early adjournment, and I think the first part of July was mentioned as the probable date of the adjournment. I put that together with a great many other things. I do not want the members of the committee to think that I am criticizing them; they have a perfect right to conclude that there ought to be no general tariff revision at this session; they have a perfect right to assume that they ought to wait until they secure the evidence or the facts which may be at some time in the future reported to them by the Tariff Board.

I only say these things in order to show the Senate why I have believed that it was not the intent of the Finance Committee and not the intent of those who have been in supremacy in the Senate of the United States, to allow any changes in the tariff, save those that are proposed in the alleged reciprocity arrangement with Canada.

There is no man in the Senate or in the country who is more anxious than am I to establish freer commercial relations with our northern neighbor. There is no man who will go further than I will go in order to accomplish that most desirable result. I believe that Canada has given to us or proposes to give to us in the arrangement we now have before us substantially all that she can give; but I do not believe, if we want to do toward Canada a tardy justice and to do toward our own people an equally belated justice, that we have given to Canada all that she deserves or all that the welfare of our people demands.

My first insistence is that this arrangement shall be so modified as not to demand especially more of Canada, although Canada ought to change the arrangement in one or two respects, but to change it with regard to the concessions that we grant Canada, and when we admit from Canada her agricultural products free, that we shall at the same time admit all her manufactured products free, so that in so far as Canada is concerned, the farmers of the United States shall have as free a market in which to buy as it is proposed they shall have in which to sell.

But further than that, we all understand that, granting practical free trade to Canada—and I think it can be granted to Canada without any inconsistency with the Republican doctrine of protection, so far as many manufactured articles are concerned—we have not done enough. We have not yet given the

farmers or the persons who are particularly affected by the proposed arrangement with Canada that relief which justice to them demands. We have still to give them a freer market in which to buy, a market in which prices will not be enhanced by unjust and excessive duties. Therefore, it is not only our privilege, but it is our imperative duty, to enter upon a revision of such schedules of the tariff as particularly affect our relations with the remainder of the world, and reduce our duties to a point that will measure the difference in the cost of production here and abroad. So far as I am concerned—and I speak for no other man—my vote will not be cast for any adjournment of this session of Congress until, if the reciprocity treaty, so called, passes unamended, we have entered upon a revision of every schedule of our tariff which contains unjust and unfair duties.

I think for the reasons which have been given by the Senator from Wisconsin [Mr. LA FOLLETTE], and which I outlined at an earlier time this afternoon, we ought to attach such legislation to the measure which has been called reciprocity with Canada, and I shall use all the influence I have to so attach that legislation, because I believe that if it is not so connected it will not receive the approval necessary to put it into effect, and that for two years yet the people must bear the burdens which have been created—no, not created, but perpetuated—by the act of 1909.

It seems to me that the commonest patriotism on the part of those who want these burdens alleviated will require them to so vote that when the arrangement with Canada becomes effective at the same moment these heavy duties shall fall from shoulders ill able to bear them.

I want to be perfectly frank. I do not make any bargain with anybody with regard to my vote. I care vastly with respect to the manner in which my friends on the other side of the Chamber shall cast their votes; I am deeply concerned in the view which they shall take of this vital subject; but, so far as I am concerned, it makes no difference how they shall cast their votes. If we are not able to attach to the reciprocity measure these revisions of the schedules of the tariff which ought to be revised, I shall vote to pass them as separate and independent measures in the form in which I believe they ought to be passed, and that form will witness a very great reduction in duties. It might just as well be understood, I think, that we have entered upon a revision of the tariff from the beginning to the end, and I care not whether we conclude it in June, or July, or August, or September, or October, or November. In so far as I am concerned, that effort will be continued until we either reach the desired result or a majority of the Senate has declared that the result ought not to be attained.

I believe that the Committee on Finance does not need any hearings with regard to the wool tariff. I am not agreed with the bill passed by the House of Representatives; I do not think it proceeds upon the right principle. I believe in specific duties on wool and woolen cloth and fabrics and garments, instead of ad valorem duties; but I am in entire sympathy with the effort to take away from the manufacturer of woollens in this country a large part of the so-called compensatory duty which, on its very face, bears the evidence of its unrighteousness as well as of its unsoundness. I shall do what I can to secure such reductions in the schedule as I believe should take place in it; and, whatever may be the outcome of the struggle, we might just as well bring it upon the floor of the Senate with the information that we have and that is accessible to us on every hand, and dispose of it according to the views and opinions of a majority of the Members of this body.

I do not want to be discourteous to the Finance Committee, and especially to its chairman, and if he would indicate that the time suggested in the motion of the Senator from Oklahoma was five days too short or ten days too short, I would be disposed to yield to his views in that respect; but he has made no such suggestion and opposes, as I understand, the motion, because he believes the time ought not to be limited at all. In that respect I can not agree with him.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. PENROSE. On that point, Mr. President, it is not possible to gauge the length of the hearing. The committee patiently listened to over 100 persons for a period of nearly a month on the reciprocity bill; and the other measures open questions of far greater complication and extent.

All that I can assure the Senator is that the committee will do as it did in the case of the reciprocity measure—meet promptly at 10 o'clock in the morning, continue the hearings



without missing a day, and endeavor to comply with what is ordinarily accepted as the right of an American citizen to be granted a hearing by a committee of Congress. If, as the work progresses, it becomes evident to the Senate that the committee ought to be discharged, it is within the power of the Senate to discharge the committee; but it certainly is unprecedented to limit the time which the committee may have to consider a bill at the same time that the bill is referred, and it is certainly rank injustice to thousands of Democrats and Republicans scattered all over the country who have petitioned for a hearing.

Mr. CUMMINS. Whether it is unprecedented or not, Mr. President, I do not know; but if it is unprecedented, the justification for it lies in the fact that we are surrounded by unprecedented circumstances.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. SIMMONS. With the permission of the Senator from Iowa, I should like to ask the chairman of the Committee on Finance one question. The chairman of the committee has several times this afternoon given the Senate assurance that there would be hearings.

Mr. PENROSE. Right away.

Mr. SIMMONS. But the Senator has not given the Senate the assurance that after a reasonable time devoted to the hearings the committee will report the bill back to the Senate either favorably or unfavorably. Does the Senator give the Senate that assurance?

Mr. PENROSE. Mr. President, I have not consulted with the members of the committee. I assume that, when the hearings are closed, the committee will necessarily have to take some action on these measures. They will either have to report the bills favorably or unfavorably, or the committee will have to agree not to proceed further with the consideration of the measures until the fall. In that case it is within the power of the Senate to discharge the committee and acquire possession of the bills.

Mr. SIMMONS. It has been customary here, Mr. President, if the Senator will permit me, when the chairman of a great committee was interrogated as to his purpose to report a bill back to the Senate during the session of the Senate, to give a categorical answer; and I think the Senate is entitled to have the Senator from Pennsylvania, chairman of the Finance Committee, say absolutely and without qualification whether it is the purpose of the committee—I can not believe that the Senator is in doubt about the purpose of the committee—to report this bill back at this session.

Mr. PENROSE. Mr. President, I can—

Mr. SIMMONS. I will put it in another way; I will ask the Senator if it is not the purpose of the committee not to report the bill back?

Mr. PENROSE. The Senator desires an answer to his question?

Mr. SIMMONS. Yes.

Mr. PENROSE. The Senator from North Carolina is a member of the committee.

Mr. SIMMONS. But a minority member.

Mr. PENROSE. Mr. President, every member of that committee is in the minority. Of course when the hearings are closed and every person has had a fair and reasonable chance to explain his views on the pending measures, it will be in the power of any member of that committee to move that the bill be reported favorably, and that motion can be amended so that the question will be that it be reported unfavorably; and neither I nor any other member of the committee can prevent a vote upon that motion.

Mr. CUMMINS. Mr. President, with regard to that, it occurs to me that if this motion is adopted, and if, when the 10th of July shall come, a majority of the committee shall feel that it is necessary to have further time in which to take evidence, that request could well be laid before the Senate, and it would be judged according to the situation as it may then exist.

Mr. PENROSE. Mr. President, on that point I will say candidly that I would not feel justified or warranted in assuring the citizens of the United States who are interested in these controversies that they could have a hearing and at the same time not have any assurance that the committee will have full power to carry out its promise. Many of these gentlemen live at a distance from the Capital, so that they can not reach here under 5, 6, or 10 days. They must notify the other persons engaged in the industry in which they are concerned; they must have an opportunity to confer with each other, to select their speakers, to organize the committee which

shall come to Washington, to have a date fixed for the hearing, and how that can be done in any sort of good faith or fairness in the limited period suggested by this motion or in any period suggested to-day, I am at a loss to understand.

When the Senator from Texas, a member of this committee, had constituents from Texas in Washington and asked to have a hearing on the free-list bill, the committee cheerfully and willingly and promptly gave it to them, and they have assured other persons who made the request at that time that they would be given a hearing. But these people can not come here on a 24-hour telegraphic notice, and they can not be expected to, and I for one am not prepared to say to the Senate that I will advise these scores of persons anxious to have a hearing that they can have one when the limitation of time may make it impossible.

Mr. CUMMINS. I now yield to the Senator from Texas.

Mr. BAILEY. Mr. President, I simply want to say to the Senator from Iowa and to the Senator from Pennsylvania that this is not an unprecedented proceeding. One of the most important tariff acts in all our history was taken from the table and considered without any reference to the Finance Committee, and the Senate was moved to that action by the same apprehension that evidently controls it now, which was that the committee might not report it back to the body at that session. That apprehension arose, not out of the fact that the committee as then organized was in opposition to the majority sentiment of the Senate, but out of the fact that one of the members of the committee happened to be absent, and it was feared that the committee, in his absence, would be unable to report.

Mr. SMOOT. Was it not also due to the fact that the committee was a tie—with one absent member?

Mr. BAILEY. It was a tie in the absence of that Senator.

Mr. CUMMINS. In so far as we know this committee is a tie.

Mr. BAILEY. This could not very well be equally divided, with a full attendance, because it consists of an odd number. It was an odd number then, but the absence of the Senator, who I believe was Senator Spaight, of North Carolina, left the committee evenly divided.

Mr. PENROSE. Will the Senator from Iowa permit me one word there?

Mr. CUMMINS. I yield.

Mr. PENROSE. The Senator from Iowa has kindly and very courteously expressed his regard for my feelings as chairman of the committee, and I thank him for his expressions, and appreciate them. But my feelings are in no way sensitive. I recognize the fact that the Republican Party no longer controls this Chamber, and if the pending motion passes this body I shall be compelled to notify the scores and hundreds of persons who have requested what is ordinarily considered a right—to be heard—that they are denied it by order of the United States Senate and that hearings will not be had.

I am quite content to stand upon the record as made.

Mr. CUMMINS. I was quite sincere in expressing—

Mr. PENROSE. I know you were.

Mr. CUMMINS. My appreciation of the Senator from Pennsylvania—

Mr. PENROSE. I know that, Mr. President.

Mr. CUMMINS. But I do not believe that he can mean what he has just said. I do not think that he will notify the American people that the Republicans are no longer in control of the Senate. He may in his place upon this floor, but he will not as chairman of the Finance Committee.

It is perfectly evident anyhow that, so far as this tariff discussion is concerned, from beginning to end, the Members of the Senate do not divide upon political lines. The Senator from Pennsylvania himself is not aligned upon the Republican side, as the Senator from Idaho [Mr. HEYBURN] claims, on the reciprocity bill, as carrying into effect Republican doctrine. Who shall be the censor of Republican policies or Republican morals in this Chamber?

Mr. GORE. Mr. President—

Mr. CUMMINS. Who shall determine who is or who is not a Republican? The Senator from Idaho says—

Mr. HEYBURN. Mr. President—

Mr. CUMMINS. Mr. President, the Senator from Idaho says that any man who is for free trade with Canada in agricultural products is not a Republican.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Oklahoma. He was the first to ask.

Mr. GORE. Mr. President, I am obliged to the Senator from Iowa for yielding to me, because I wish, before we proceed too far from the notice which the Senator from Pennsylvania has



given us and which he has advised us he intends to serve upon the American people touching their desire to appear before the Finance Committee, to say that I hope the Senator from Pennsylvania, when he sends that notice to any portion of the American people, will append this postscript—that they have 20 days in which to appear before that committee and present their views upon the pending bill, which involves only one schedule, and that the Payne-Aldrich bill, involving every schedule, involving 4,000 items, was received in the Senate on April 10 and was reported to the Senate on April 12, two days having been set aside by the committee of which the Senator from Pennsylvania is now chairman to allow 90,000,000 people to express their views on four thousand and several items.

I trust the Senator from Pennsylvania will append a postscript of that description, in order that he may be just to the Senate of the United States, to the people of the United States, and to those who have supported the pending motion.

I thank the Senator from Iowa.

Mr. CUMMINS. I now yield to the Senator from Idaho.

Mr. PENROSE. Will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. I will, after the Senator from Idaho shall have concluded.

Mr. PENROSE. I simply want to say briefly that two years ago a number of informal hearings were granted by the Finance Committee of the Senate to persons desiring a hearing. There was no general request, because all those people had appeared before the House Committee on Ways and Means. This year what is commonly and in a slang phrase called the "steam-roller process" was applied in the House of Representatives, and this bill comes over here without any of those people having had an opportunity to have even a day in court.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I yield to the Senator from Oklahoma for a brief answer.

Mr. GORE. I wish to propound this inquiry to the Senator: Those informal hearings of which we have heard before this, and of which we hear so much now, were had after the bill was reported to the Senate by the Finance Committee.

Mr. PENROSE. They were held three months before the bill ever reached the Senate.

Mr. CUMMINS. I do not intend to yield further for the discussion of what occurred in connection with the Payne-Aldrich legislation.

The PRESIDING OFFICER. The Senator from Iowa declines to yield further.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. The Senator from Oklahoma was just finishing his sentence.

Mr. GORE. I merely wish to state that the people on this occasion should have a like opportunity here in these informal secret hearings as two years ago.

I thank the Senator from Iowa.

Mr. CUMMINS. I now yield to the Senator from Idaho.

Mr. HEYBURN. The Senator from Iowa inquired as to where the principle and power of the Republican Party were to be found.

Mr. CUMMINS. No, Mr. President. The Senator from Idaho does not state it with his usual accuracy.

Mr. HEYBURN. The Senator used better language. I would be glad to have him repeat the language.

Mr. CUMMINS. I asked who in this Chamber—

Mr. HEYBURN. Ah!

Mr. CUMMINS. Is the censor of Republican morals or Republican policies?

Mr. HEYBURN. The Republican majority, acting through its organized caucus, is the master of Republicans, and the man who does not recognize it is not a Republican.

Mr. CUMMINS. Mr. President, so far as I am concerned, I want the Senator from Idaho and the Senate of the United States and the whole world to understand that no caucus of any party or of any element of society can determine for me what I shall do or to what party I shall belong.

Mr. HEYBURN. The Senator has given himself the status that I think will be conceded to him.

Mr. CUMMINS. Precisely; a status of which I am very proud. I recognize the doctrine of protection which was announced by the Republican Party in 1908, and I intend to carry it into effect as faithfully as I can, but no body of men on earth can tell me how to apply the principle that was announced in 1903.

Mr. HEYBURN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Iowa yield further?

Mr. HEYBURN. It is to correct what I think is a wrong impression as to what I was addressing my remarks to.

The Senator's inquiry was concerning this Canadian tariff bill, and he cited certain instances where it received support or did not, and then inquired in connection with that as to where the test was to be found. I say that this is not a Republican measure—it matters not to me who supports it—because it has not a majority of the Republicans in this Chamber to support it, and it did not come here vouched for by a majority of the Republicans elsewhere, and it can only originate in Congress, and I repudiate the idea that legislation can receive its political character outside of Congress.

Mr. CUMMINS. The action of a Republican caucus upon this measure would make it neither better nor worse. But I agree entirely with the Senator from Idaho in his conclusion that it is not a Republican measure, and I might just as well say frankly that, so far as I am concerned, I intend to do what I can to bring before the Senate revisions of other schedules in this tariff before the measure with Canada is voted upon.

We need not conceal our purposes here, because they are open, I think; visible to everybody. I for one would like the arrangement with Canada or the bill which was passed by the House of Representatives and reported by the committee so amended that it could command my conscience and my support. But it is impossible for Senators to dream of the consideration of a measure of this character and its final disposition by this body until these other measures are also before the Senate and under the consideration of this body.

I therefore, deprecating of course the feeling that there is any discourtesy to the committee intended by this motion, feeling that my highest duty to the American people demands that this and all other measures that are intended for the revision of the tariff shall be before us and under consideration, shall vote for the motion of the Senator from Oklahoma.

Mr. BORAH. Mr. President, I presume the State which I have the honor in part to represent is as much interested in the woolen schedule, perhaps, as any one of three or four States that might be mentioned, and I should, of course, very much desire in a matter of such importance to my constituents that they should have an opportunity to be heard. If I were convinced that a hearing could have any effect, I would not vote to deny them that hearing. But, Mr. President, I do not know just what effect a hearing would have with reference to the woolen schedule.

I know precisely what effect it had with reference to the reciprocity bill. The committee treated the farmers who came here with all deference and courtesy, and listened to them, the farmers knowing all the time and the committee knowing all the time, and everybody else knowing all the time, that it did not make any difference what they said or what facts were produced. The decree had gone forth that the reciprocity agreement was to be passed as written. And if the farmers had been heard for the next six months and had produced the most conclusive evidence, as they did, of the injustice and unfairness of that agreement, it would not have made a particle of difference as to its ultimate passage in the Senate.

That agreement was made elsewhere, and the decree had gone forth that it must pass. Senators standing upon the floor to-day were moved almost to tears because they must part with the farmers, with whom "they had grown up"; but they must part. And sad as it all was, they took their departure. I could only understand the tearful exhibition upon the theory that there was a deep consciousness of being about to do the farmer an injustice. They give to the farmers tears. They give to the manufacturers protection. I have no doubt the farmer would prefer to have his protection and let the manufacturer have the tears.

But it would not serve any good purpose, Mr. President, to bring these wool men here from all parts of the country under the conditions which confront us with reference to legislating at this session. So far as I am concerned, if it is within my power, by vote or otherwise, to drag into the Senate Chamber every single schedule and revise the Payne-Aldrich bill, I am now ready and willing to do it. So, I say, that, knowing that my State is as much interested in the woolen schedule as perhaps any other State in the Union, nevertheless I am ready to begin a general revision.

If we are to have absolute free trade as to the farmer, then we must certainly have revision of the tariff as to all other important schedules in order to have even a semblance of performing our duty here. Believing that we can discover the defects, if there be any, and ascertain the facts, if we need them,



to determine what we should do with reference to the woolen schedule precisely the same as was determined with reference to the reciprocity agreement, I see no reason why we should not do it. It will keep us here a considerable length of time, but it is much more important that we do this right than that we go home; and I do not believe we can justify ourselves by refusing now, as we have an opportunity, to revise the entire tariff in the Senate to the satisfaction of those who think it ought to be done; I believe that it ought to be revised in many respects.

Therefore, while I would not for a moment vote for anything in the nature of a criticism or condemnation of the committee, I think the sooner we get the entire tariff bill into the Senate at this session and commence work we will be at that work which it is our duty at this session to perform.

Mr. JONES. Mr. President, I desire to say that I am going to support the reciprocity measure. I reached that conclusion after a very careful study of the testimony. I shall not vote for any proposed amendment to the reciprocity agreement that is likely to defeat it, but I do think, as the Senator from Idaho [Mr. BORAH] has just said, that the sooner we get a tariff measure in here revising all the principal schedules the better it will be for the country and the better it will be for the Republican Party. I should like to see the Republican members of the Finance Committee get together and exclude the Democratic members and prepare a tariff bill along Republican lines, present it possibly to the full committee for their consideration first, and then bring it into this body, and let us consider it. As the Senator from Iowa [Mr. CUMMINS] said, the woolen bill that has been sent over here is not framed on Republican lines, and I should like to see this bill acted on by the Republican membership of the Finance Committee and that they should bring into this body a bill framed on Republican lines for our consideration.

Mr. NELSON. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. Certainly.

Mr. NELSON. Is the reciprocity bill framed on Republican lines?

Mr. JONES. I think it is, and I shall state my reasons for it later on. I have come to that conclusion after a very careful consideration of it. I want to say that the only question which made me hesitate in regard to it was as to whether or not I could justify that measure along the line of the Republican policies I have heretofore advocated. I believe I can; at least I am satisfied of it in my judgment, and my reasons for it I will present later on.

Mr. NELSON. The Senator has come to the conclusion, then, that everybody in this country is entitled to protection except the farmers.

Mr. JONES. No; I do not agree with the Senator on that. I think I am just as sincere in my opinion with reference to the protective character of the reciprocity agreement as the Senator from Minnesota, and I know that he is honest and sincere in the matter.

I believe that the Republicans of this body owe it to themselves and to the country to make some revision of the woolen schedule, and of the metal schedule, and of the sugar schedule, and of the cotton schedule, and, possibly, some other schedules.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Certainly.

Mr. SMOOT. I was going to ask the Senator how he felt in relation to the tariff on lumber as provided in this bill. He is from a lumber State, and I want to know if he thinks that it is fair and right that lumber finished on one side—

Mr. JONES. I am not going into those details now, I will say to the Senator.

Mr. SMOOT. That is a question of tariff.

Mr. JONES. I will discuss that at the proper time, and my constituency will be pretty well satisfied with my position. They have not any protection on lumber now.

Mr. SMOOT. Of course, if the Senator does not want to yield, I will not interrupt him.

Mr. JONES. I do not care to go into details with reference to these matters. I want to state my position generally because of the vote I am going to give on this matter and from the fact that very likely after to-day I will not be on the floor of the Senate very much while the matter is under consideration, because I will be engaged upon an investigation ordered by the Senate.

Mr. SMOOT. I think it is very poor reciprocity to have a 50-cent rate on lumber into the United States and a \$4 rate on lumber going into Canada.

Mr. JONES. I will answer to my constituency upon that matter so far as they are affected by that proposition, and I think satisfactorily to them as well as satisfactorily to myself.

I voted for the Payne-Aldrich bill, and I voted for it without any apology. It was not exactly the sort of measure I should have liked. I voted for a great many what I consider fundamental propositions to that bill that were not included in it, but I considered that bill as a step forward, and I believe so yet. However, the people of the country have not been satisfied with it. There is not any question about that. They want to have some changes made in it; and I believe that it is for the best interests of the people and the best interests of the Republican Party, now that we are in session here, to proceed with the revision of the schedules that practically everybody concedes ought to be revised to a certain extent. My vote will be cast for considering these propositions.

If the Finance Committee will bring into the Senate a bill embodying a revision of these various schedules along Republican lines, not radical but reasonable in its scope, then I will vote to put that on the reciprocity bill, because in my judgment a measure of that kind would be signed by the Executive.

I have no authority to speak for him, as far as that is concerned, because I have not discussed the matter with him at all; but it is my judgment that if a measure of this sort were framed by the Republican members of the Finance Committee, and they are just as competent to do it to-day as they will be in a month from now with all the hearings they may hold, and if they bring it into this body and put it on the reciprocity bill, and it goes to the President of the United States, he will sign it, and it will become law. I believe the people of this country would be satisfied with what the Republican Party has done, and that they would be satisfied with what Congress has done.

Now, Mr. President, I am going to vote for this motion. I would rather have a motion directing the committee to report out by the 1st of August a bill revising all of these various schedules in one measure. But I suppose a proposition of that sort might not meet with favor. I believe that until the 10th day of July is not an abundance of time to give all the hearings that ought to be held with reference to this matter. Read the vast amount of testimony that has been taken on this reciprocity measure, and it is page after page of repetition after repetition of facts and arguments that ought to be confined and condensed into one-tenth of the volume that it is now in.

If the committee will direct the representatives of the woolen manufacturers to send here one or two men to present their side of the proposition and the woolgrowers one or two men to present their side of the proposition, they can get all the information in one or two days that they could get at hearings held for a month with reference to the measure. As far as that is concerned, the members of the Finance Committee are themselves just as well equipped to prepare a measure of this kind, with a proper revision of this schedule, as they will be the 10th day of July.

So I propose to vote for this motion as a Republican. I do not care to put any prefixes or affixes to it, or anything of the sort, but as a Republican within the Republican Party I propose to vote for this motion, and I propose to vote in a way that will possibly bring about a reasonable revision of these various schedules of the tariff act.

Mr. McCUMBER. Before the Senator from Washington takes his seat let me ask him, Do I understand the Senator to proclaim now that he would vote to tack on this bill a revision of the entire tariff from a Republican standpoint?

Mr. JONES. I would.

Mr. McCUMBER. Would the Senator vote for it if from a Republican standpoint there was incorporated in it honest protection for the farm products of this country?

Mr. JONES. I would.

Mr. McCUMBER. Then does the Senator think that this bill would ever be signed by the President, or does he think it would ever be adopted by the Canadian Parliament, if it contained any protection whatever to the farm products of this country?

Mr. JONES. I do not agree with the Senator that we are taking away all the protection of the farm products.

Mr. McCUMBER. I am asking if the Senator will vote for an amendment to this bill which shall give adequate protection to farm products—the cereals, wheat, oats, barley, rye, flax—and tack it on this agreement?

Mr. JONES. I think this reciprocity agreement will not do the farmers of this country any injury.

Mr. McCUMBER. That is not the question.

Mr. JONES. Therefore no amendment along the line the Senator proposes would appeal to me at all.



Mr. McCUMBER. That is not the question I asked the Senator. The Senator suggested that he would vote for an amendment which should be considered from the Republican standpoint and should be passed as a Republican measure and attach it to this bill. Now, I want to know if he would do that even though the majority of the Republicans believed that the farm products I have mentioned ought to be protected?

Mr. JONES. I will not vote for an amendment to this bill, as I said a moment ago, that I think will defeat it or for the purpose of defeating it. I do not believe that a proposition along the line I have already suggested would defeat it.

Mr. McCUMBER. I think it would defeat it.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. GORE] moves that the bill be referred to the Committee on Finance, with instructions that it shall be reported back not later than the 10th day of July next.

Mr. MARTIN of Virginia. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MARTIN of Virginia (when Mr. BACON's name was called). The Senator from Georgia [Mr. BACON] was called from the Chamber. He is paired with the senior Senator from Maine [Mr. FRYE]. If the Senator from Georgia were present, he would vote "yea."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote. I vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer that pair to the Senator from Nevada [Mr. NIXON] and vote. I vote "nay."

Mr. CRANE (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the senior Senator from New York [Mr. ROOT] and vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I transfer that pair to my colleague [Mr. PAGE] and vote. I vote "nay."

The PRESIDING OFFICER (when Mr. GALLINGER's name was called). I am paired with the Senator from Arkansas [Mr. DAVIS].

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. As he is absent, I will withhold my vote.

Mr. REED (when his name was called). I am paired with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from Tennessee [Mr. LEA] and vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Maine [Mr. JOHNSON] and vote. I vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] was called out of the Chamber. He has a pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "nay."

Mr. FOSTER (when Mr. THORNTON's name was called). My colleague [Mr. THORNTON] has been called out of the Chamber. He is paired with the senior Senator from Kansas [Mr. CURTIS].

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the junior Senator from Georgia [Mr. TERRELL] and vote. I vote "yea."

The roll call was concluded.

Mr. JOHNSTON of Alabama. I desire to announce that my colleague [Mr. BANKHEAD] is paired with the senior Senator from Connecticut [Mr. BRANDEGEE], and the Senator from Arkansas [Mr. CLARKE] is paired with the Senator from Wisconsin [Mr. STEPHENSON].

Mr. BAILEY. I again announce the pair of the Senator from Kentucky [Mr. PAYNTER] with the Senator from Colorado [Mr. GUGGENHEIM]. If the Senator from Kentucky were present, he would vote "yea."

Mr. GORE. My colleague [Mr. OWEN] has been called from the Senate. If he were present, he would vote "yea."

Mr. BRADLEY (after having voted in the negative). I desire to withdraw my vote. I am paired with the senior Senator from Tennessee [Mr. TAYLOR], who did not vote.

Mr. SMITH of Maryland. My colleague [Mr. RAYNER] is paired with the Senator from Utah [Mr. SUTHERLAND]. If my colleague were here, he would vote "yea."

The result was announced—yeas 39, nays 18, as follows:

#### YEAS—39.

Bailey	Cummins	Kern	Shively
Borah	Dixon	La Follette	Simmons
Bourne	Fletcher	Martin, Va.	Smith, Md.
Bristow	Foster	Martine, N. J.	Smith, S. C.
Brown	Gore	Nelson	Swanson
Bryan	Gronna	O'Gorman	Townsend
Chamberlain	Hitchcock	Overman	Watson
Clapp	Johnston, Ala.	Poindexter	Williams
Crawford	Jones	Pomerene	Works
Culberson	Kenyon	Reed	

#### NAYS—18.

Burnham	Dillingham	Lodge	Smoot
Burton	du Pont	Lorimer	Warren
Clark, Wyo.	Gamble	Myers	Wetmore
Crane	Heyburn	Penrose	
Cullom	Lippitt	Perkins	

#### NOT VOTING—34.

Bacon	Frye	Oliver	Stephenson
Bankhead	Gallinger	Owen	Stone
Bradley	Guggenheim	Page	Sutherland
Brandegee	Johnson, Me.	Paynter	Taylor
Briggs	Lea	Percy	Terrell
Chilton	McCumber	Rayner	Thornton
Clarke, Ark.	McLean	Richardson	Tillman
Curtis	Newlands	Root	
Davis	Nixon	Smith, Mich.	

So Mr. GORE's motion to refer the bill with instructions was agreed to.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to, and (at 8 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 22, 1911, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 21, 1911.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, whose life-giving rays permeate all space and whose love reaches out to all mankind, we thank Thee for that strong, intelligent, and ever-growing faith which recognizes Thee as the Father of all men, which enhances, dignifies, and ennobles life, takes away the sting, the fear of death, and fills the heart with eternal hope, accentuates the sinfulness of sin, and inspires to holy living. Grant, O most merciful Father, that it may continue to grow until all men shall know Thee and worship Thee as such in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday, June 20, 1911, was read and approved.

#### SWEARING IN OF A MEMBER.

Mr. KENDALL. Mr. Speaker, the Member elect from the ninth Iowa district is present, and desires to have the oath of office administered. [Applause.]

The SPEAKER. The Chair has examined the certificate, and finds it in the regular form.

The certificate of election is as follows:

#### CERTIFICATE OF ELECTION.

STATE OF IOWA, EXECUTIVE DEPARTMENT.

To WILLIAM R. GREEN, Greeting:

It is hereby certified that at an election holden on the 5th day of June, A. D. 1911, you were elected to the office of Representative in Congress from the ninth congressional district of said State for the residue of the term of two years ending on the 3d day of March, A. D. 1913.

Given at the seat of government this 12th day of June, A. D. 1911.

B. F. CARROLL,

Governor of the State of Iowa.

(Countersigned) W. C. HAYWARD,

Secretary of State.

Mr. KENDALL. Mr. Speaker, I present Mr. GREEN to be sworn in.

The SPEAKER administered the oath of office to Mr. GREEN of Iowa.

#### CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday.

Mr. UNDERWOOD. I move that the proceedings under Calendar Wednesday be dispensed with for to-day.

The SPEAKER. The gentleman from Alabama moves that the proceedings under the Calendar Wednesday rule be dispensed with.

The question being taken, and two-thirds voting in the affirmative, the motion was agreed to.



## ADJOURNMENT UNTIL SATURDAY NEXT.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Saturday next. The motion was agreed to.

## ELECTION OF SENATORS BY THE PEOPLE.

The SPEAKER laid before the House the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, with a Senate amendment.

The Senate amendment was read, as follows:

Strike out all after the resolving clause and insert:

"That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Mr. RUCKER of Missouri. Mr. Speaker—

The SPEAKER. The gentleman from Missouri.

Mr. RUCKER of Missouri. Mr. Speaker, I understand the gentleman from Pennsylvania [Mr. OLMSTED] desires to submit a motion.

Mr. OLMSTED. I move that the House do concur in the Senate amendment.

Mr. CANNON. Mr. Speaker, has this amendment been printed?

Mr. OLMSTED. It has not been printed.

Mr. CANNON. It occurs to me that the House ought to be in possession of the amendment in some other form besides the copy on the Speaker's table.

The SPEAKER. The Chair will state to the gentleman from Illinois that the amendment has been printed.

Mr. OLMSTED. The amendment has been printed in the Senate, but only in the form of an amendment proposed to be introduced by Mr. BRISTOW.

Mr. CANNON. I listened to the reading of the amendment from the Clerk's desk, and, as I caught it, I do not think the reading conformed to the print of what purports to be an amendment proposed in another body by a Senator. It occurs to me that the House ought to be in possession of the official copy of the amendment as reported at the Clerk's desk, and that it ought to be in print.

The SPEAKER. The Chair will state to the gentleman from Illinois that the Clerk is in possession of the official copy of the Senate amendment.

Mr. CANNON. Precisely.

The SPEAKER. And the Chair is in possession of a printed copy of that amendment.

Mr. CANNON. I have not been able to get it.

Mr. MANN. It is the same as the Bristow amendment.

Mr. OLMSTED. If the Speaker will observe, what he holds in his hand is a copy of an amendment intended to be proposed by Mr. BRISTOW, and so forth. I will state, however, that I understand it is precisely the amendment which the Senate did adopt.

The SPEAKER. What is the trouble about it then?

Mr. CANNON. The trouble is that we must resort to the Senate files, if the gentleman is correct in his statement, rather than to our own files, to get a printed copy. And, having listened to the amendment as read from the Clerk's desk, I am not sure that the printed copy which we have is identical with what was read by the Clerk.

Mr. FOSTER of Illinois. Mr. Speaker, I ask unanimous consent that the amendment be again read, so that we may compare it.

The SPEAKER. The Chair will state to the gentleman from Illinois and to the House that, while this amendment has been on the Speaker's table for three or four or five days, by agreement all around it was not to be precipitated on the House until after we had disposed of the wool bill, so that nobody has had a chance to have it printed.

Mr. CANNON. Well, if we are to depend on the Senate print of the proposed amendment, I should be glad to have the official amendment read again so that it can be compared.

The SPEAKER. If there be no objection, the Clerk will report the amendment again.

The amendment was again read.

Mr. RUCKER of Missouri. Mr. Speaker, I received recognition from the Chair for the purpose of making a motion, and I do not want to lose the floor. I want to have control of it pending this consideration. I desire to make a motion to disagree to the Senate amendment.

Mr. FLOYD of Arkansas. Mr. Speaker, will the gentleman yield for a question?

Mr. RUCKER of Missouri. I yield for a question.

Mr. FLOYD of Arkansas. In comparing the original House resolution with what is known as the Bristow amendment, I find that that does not seem to be in the resolution as read from the Clerk's desk at all. I will state in the first place that I endeavored to get a copy of the resolution as it passed the Senate and was informed that it had not been printed. I examined the RECORD, and when the resolution was read from the Clerk's desk it did correspond with the original resolution passed by the House, except some amendments, which do not strike me as very material. The Bristow amendment, as I understand it from report, does not appear in the resolution read from the Clerk's desk.

Mr. MANN. The gentleman is mistaken; the Clerk read the Bristow amendment.

Mr. FLOYD of Arkansas. If the gentleman will look on page 1938 of the RECORD—

Mr. MANN. But the original papers are here.

Mr. FLOYD of Arkansas. I think this is material, if the gentleman will let me proceed, and if I am wrong I can be corrected. On page 1938 of the RECORD we find this language:

The SECRETARY. It is proposed to amend the substitute proposed by Mr. BRISTOW by adding, on page 2, after line 2, the following:

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof; but the Congress may make or alter such regulations in any State whenever the legislature thereof shall neglect or refuse to make such regulations, or from any circumstances be incapable of making the same."

Now, I would like to know whether or not that is in the resolution as read by the Clerk?

Mr. RUCKER of Missouri. The gentleman has not read the Bristow amendment; he is reading the so-called Bacon amendment.

Mr. FLOYD of Arkansas. The RECORD, as I understand, refers to it as the Bristow amendment; if wrong, I stand corrected; I was asking for information.

The SPEAKER. But the RECORD does not control. The House acts upon the engrossed copy of the bill.

Mr. MANN. The RECORD is right, and the gentleman is mistaken; he has not read the Bristow amendment.

The SPEAKER. It does not make any difference, the House is bound by the papers in its possession.

Mr. GREGG of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from Missouri if, on page 2, lines 10, 11, and 12, the Bristow amendment did not eliminate those three lines and leave section 4 of Article I of the Constitution just as it was prior to the offering of the amendment?

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What is there now before the House?

The SPEAKER. The motion of the gentleman from Missouri to disagree to the Senate amendment, followed by the preferential motion of the gentleman from Pennsylvania to concur in the Senate amendment, and the debate will take place in the first place on the motion of the gentleman from Pennsylvania to concur.

Mr. RUCKER of Missouri. Mr. Speaker, I would like to confer with the gentleman from Pennsylvania as to the question of time, because it is important that we do not prolong the debate. I would like to ask the gentleman from Pennsylvania how much time is desired for debate?

Mr. OLMSTED. I have received requests for about two hours and a half on this side.

Mr. RUCKER of Missouri. A great many gentlemen are very anxious to get through with this matter as speedily as possible.

Mr. OLMSTED. What would the gentleman from Missouri suggest?

Mr. RUCKER of Missouri. An hour and a half on each side.

Mr. OLMSTED. Could not the gentleman make it two hours?

Mr. RUCKER of Missouri. Can not the gentleman agree to an hour and a half on a side?

Mr. OLMSTED. Well, make it an hour and three-quarters on a side.



Mr. RUCKER of Missouri. Very well. Mr. Speaker, I will ask unanimous consent for an hour and three-quarters on each side for general debate; that the time on this side be controlled by myself and on the other side by the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Missouri asks unanimous consent that there be a debate of an hour and three-quarters on a side, and that the time on the Democratic side be controlled by the gentleman from Missouri [Mr. RUCKER] and on the other side by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. MANN. And at the end of that time the previous question shall be ordered?

Mr. RUCKER of Missouri. Yes; and at the end of that time the previous question shall be considered as ordered.

The SPEAKER. And he further asks that at the end of that time the previous question shall be considered as ordered.

Mr. CARLIN. And the general debate is to be on both motions?

The SPEAKER. Upon both motions.

Mr. OLMSTED. If my motion prevails there will not be any motion to disagree.

The SPEAKER. Upon that question the Chair will express no opinion. [Laughter.] Is there objection to the request?

Mr. NORRIS. Mr. Speaker, there was so much confusion I could not hear what the request was.

The SPEAKER. If the House will be in order the Chair will state the request again. The gentleman from Missouri asked unanimous consent that there be a debate of an hour and three-quarters on a side on these two motions; that the time on one side be controlled by himself and on the other by the gentleman from Pennsylvania, and that at the expiration of that time the previous question shall be considered as ordered upon both propositions. Is there objection?

Mr. OLMSTED. I would like to add, and that all gentlemen who address the House on either motion may have five days to extend remarks.

The SPEAKER. And that all gentlemen who make remarks on this subject shall have five days to extend remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER of Missouri. Mr. Speaker, I expect the gentleman from Pennsylvania [Mr. OLMSTED] would like to lead off in behalf of his motion, and I will ask him to use some of his time.

Mr. OLMSTED. Mr. Speaker, the convention presided over by George Washington, which framed the Constitution of the United States, was composed of very wise and very farseeing men, whose names will be honored in the history of this Republic so long as the Republic itself shall endure. The instrument they framed with such wondrous care is the most valuable and important of its kind the world has ever known, and each added year brings fresh testimony to the wisdom of those to whom we so often refer as "the fathers." Only three times within the past 107 years have the people of the United States seen fit to alter or amend it. The organic law under which this Republic has so long lived, so wonderfully grown, and so marvelously prospered, should not be made the subject of experiment nor amended in any particular, except for the most weighty reasons, and then only with the utmost care and consideration. That Constitution, under which the First Congress assembled, in 1789, contains, in section 3 of Article I, this provision:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years, and each Senator shall have one vote.

The proposed amendment of that provision is not the result of recent suggestion. There has been for some years a demand for the election of Senators by the people. That demand has grown from year to year. It has been widely discussed, and the proposed change is well understood. Three times since I have been a Member of this body resolutions have passed this House proposing an amendment to the Constitution so as to permit the election of Senators by the people. With some misgivings as to the wisdom of the proposition, and some doubt whether the proposed method would result in improving the personnel of that body, I have in at least three different Republican Congresses voted to permit the election of Senators by the people, or at least to submit the proposition to the States for their approval. At this time there is not in this body any substantial opposition to that proposition. House joint resolution No. 39 as it passed the House, and also as it passed the Senate, contains a modification of the clause of section 3, which I have just quoted, to make it read as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years, and each

Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

There is no longer any serious opposition to that change, and if that were all the resolution contained there would be hardly an opposing vote in this body. There are some other provisions in the resolution with reference to the filling of vacancies and providing that the amendment shall not affect the elections or terms of Senators chosen before it shall become valid as a part of the Constitution. There is no objection to those provisions. They all bear directly upon the single amendment of section 3, so as to provide for the election of Senators by the people instead of by the legislatures of the States.

The demand for such an amendment of section 3 of Article I of the Constitution is very great and very pressing. It comes from different parts of the country, in the form of petitions and resolutions of State legislatures and other bodies. That demand is borne to us upon a great wave of popular favor. Some of the supporters of this resolution are trying to ride that wave for a very different purpose and to bear away upon its crest the amendment of an entirely separate and distinct provision of the Constitution, for which there is no demand whatever, for which not a single petition has been presented, and for which, I venture to say, no Member of this House has received a single request from a constituent. Section 4 of Article I of the Constitution says—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

Now, if you will turn to lines 10, 11, and 12, on page 2, of House joint resolution No. 39 as it passed the House, you will find that, not content with changing the method of electing Senators, not content with amending the third section of Article I of the Constitution so as to provide for the election of Senators by the people, it proposes also to amend section 4, for the lines I have named contain this language:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

This is declared, on page 1 of the resolution—

To be in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators.

It omits these words, now found in section 4:

But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

In other words, it takes away from Congress the power which it now has under the present Constitution to make or alter any regulations touching the election of Senators, as well as Representatives, and makes their election entirely subject to State control.

Mr. RUCKER of Missouri. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. OLMSTED. Certainly.

Mr. RUCKER of Missouri. Mr. Speaker, I presume it is in the gentleman's mind, having stated that it was that portion of the proposed amendment to which he objects, to tell the House why he objects to it, and I would like to know.

Mr. OLMSTED. Mr. Speaker, I shall proceed to do so, and I hope to make my objection clear.

Mr. KENDALL. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. KENDALL. If the Bristow amendment, which is now before the House for action, shall be adopted, the Constitution will remain the same, except that Senators will be directly elected by the people.

Mr. OLMSTED. That will be the only change.

Mr. KENDALL. And if the Bristow amendment is rejected, as proposed by the gentleman from Missouri, and the House resolution should be enacted into law, the Congress of the United States would surrender all authority over the election of Senators?

Mr. OLMSTED. Mr. Speaker, as another gentleman was speaking to me at the moment, I did not quite understand the gentleman's question.

Mr. KENDALL. If the resolution as it passed the House should be finally enacted into law, it would amount to a surrender on the part of Congress of any authority over the election of Senators.

Mr. OLMSTED. It would, indeed; and it is very questionable whether it would not so emasculate section 4 as to make it inoperative and ineffectual for any purpose.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. Certainly.



Mr. LONGWORTH. I understood the gentleman to say that the proposition for the election of Senators by the people has passed this House in different times.

Mr. OLMSTED. Yes.

Mr. LONGWORTH. Has it ever passed this House with the amendment proposed in this House resolution—amending section 4?

Mr. OLMSTED. It never has to my knowledge—never. The demand for the change of that section sprung up only after the recent elections had changed the political complexion of this House.

Mr. KENDALL. Has that amendment ever been proposed in all the numerous times that the subject has been under discussion in the House until now?

Mr. OLMSTED. It never has.

This House joint resolution No. 39 has been amended by the Senate. That amendment, known as the Bristow amendment, is now before us. If we concur in the Bristow amendment then the constitutional amendment which will be submitted to the people will be precisely the same as the constitutional amendment which the House resolution in its original form proposed to submit, except that the words "The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof" will be omitted. In other words, as amended by the Senate this resolution proposes to submit to the people the single question of the amendment of section 3 so as to provide for the election of Senators by the people. It eliminates the proposed amendment of section 4 and permits that section to remain in the Constitution in the same form in which it has always existed.

As I have already stated, there is no popular demand for the amendment of section 4. The amendment of that section has never been the subject of popular discussion. It is not understood by the people that anything of the kind is seriously contemplated.

Mr. HARDY. Mr. Speaker, will the gentleman submit to a question?

The SPEAKER. Does the gentleman yield?

Mr. OLMSTED. Mr. Speaker, I will in this instance, but my time is so limited that I must ask gentlemen not to interrupt.

Mr. HARDY. I just wanted to ask whether or not, historically, the Congress had ever undertaken to dictate as to the time or manner of the election of Senators under the clause of the Constitution to which the gentleman referred?

Mr. OLMSTED. Whether it has or has not does not affect the question.

Mr. HARDY. Except that it would be a very small matter to "kick" at, if in a hundred years—

Mr. OLMSTED. Then why "kick" at it? Why not leave it out, concur in this amendment, and let the matter go. [Applause on the Republican side.] As matter of fact, by the act of 1866, Congress has declared both the time and the manner in which Senators shall be elected.

Mr. HARDY. But the gentleman's objection is that it has not been utilized heretofore in the history of our country.

Mr. OLMSTED. No; that is the gentleman's objection—not mine—and it is not sound. It has been utilized. It is utilized to-day. Every Member of the United States Senate to-day was elected in pursuance of the dictation of an act of Congress passed in pursuance of authority contained in section 4 of Article I of the Constitution. I call the gentleman's attention to sections 14 to 19 of the Revised Statutes.

The impression has gone abroad that the so-called Bristow amendment proposes to put into the Constitution something which is not now and never has been there, which in some way may be used to enforce certain results in the election of Senators. Nothing could be further from the fact. The Bristow amendment is an amendment to the House resolution. It does not propose any amendment to the Constitution. Its design and object is to prevent any amendment to the Constitution except in the single matter of providing that Senators shall be elected by the people and not by the legislatures of the States. The Bristow amendment proposes that whatever power the Constitution now gives to Congress in the matter of regulating elections of Senators and Representatives in Congress shall remain untouched. It neither adds to, nor subtracts from, that power.

Why should section 4 be amended at all? The Senate and the House are simply separate branches of the law-making body. Senators and Representatives are all Members of Congress; they are all officers of the Federal Government. It is intended that Senators as well as Representatives shall henceforth be elected by the people. What process of reasoning justifies any distinction or discrimination in the power of Congress to make or alter regulations touching the times, places, and manner of electing the Members of these two bodies? The fact

that Senators are now to be elected in the same manner as Representatives affords all the more reason why the same power should continue to exist in Congress in the one case as in the other.

It has been urged in argument that there is no necessity for retaining this power in Congress at all as to either branch; that the power conferred by section 4 is not now used and is not likely to be. This is a grave mistake. The law which Congress heretofore put upon the statute books prohibiting corporations from making campaign contributions in Federal elections finds its sanction in section 4. Unless it be there found, Congress has no authority to pass any such law; unless section 4 authorizes Congress to require publicity of, or to limit, campaign expenses, then there was no authority in Congress to pass the law which it did pass one year ago, or for the further act which recently passed this body, and both those acts are invalid and of no account.

As long ago as 1842 it was found necessary for Congress to provide that the election of Representatives should be by districts. The only authority for that congressional action is found in section 4, and the same is true of the act of February 28, 1871 (16 Stat. L., 440), requiring all votes for Representatives to be by written or printed ballot; and then there is the act of 1872, and it is not necessary to mention the so-called enforcement acts, all of which were deemed necessary at the time of their passage, but all of which were repealed in 1894. The act of 1866, providing when and how Senators shall be elected, is in full force and operation.

The Democratic national platform of 1908 contains this plank:

We demand the enactment of a law preventing any corporation from contributing to campaign funds and any individual from contributing an amount above a reasonable minimum, and providing for the publication before election of all such contributions above a reasonable minimum.

Adopt resolution No. 39 in the form in which it passed the House and Congress will be deprived of all power to pass any such enactment touching the election of Senators; and I am not sure but that you will have so emasculated section 4 as to take away from Congress the authority to pass any enactment whatever upon that subject. But, in any event, are you willing, Mr. Speaker, while placing the election of Senators in the hands of the people, to deprive Congress of the power to see that those elections are free from corrupt and contaminating influences? As there are only 2 Senators from each State, while some of the States send 10, 20, and one will soon send 40 Representatives, it follows that each Senator has vastly more power and influence in the making of laws than the average Representative. The argument is made that vast business interests seek to control legislatures in the election of United States Senators. If that be true, will they be any less likely to seek to control the election of Senators by the people? If it is so important to prevent corporations and individuals from controlling or influencing the election of Representatives, is it not vastly more important to prevent them from controlling the election of Senators, in whose elections they will be vastly more interested? Why shall not Congress retain the power which it now has to make or alter regulations for the election of Senators and Representatives, who are officers of the Federal Government?

Mr. BARTLETT. Will the gentleman permit an interruption?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. OLMSTED. I do.

Mr. BARTLETT. The proposed amendment which the Senate adopted would leave section 4 of this article unchanged, would not it?

Mr. OLMSTED. Entirely and utterly unchanged just as it exists now in the Constitution and as it has existed for more than a century and a quarter.

Mr. BARTLETT. I was going to ask the gentleman, under that section 4 would the gentleman think that Congress now would have any power to regulate the election of United States Senators in any way by prescribing qualifications for electors, registration laws, or returning boards. Does the gentleman think the power exists in the Congress now with reference to the election of Senators to prescribe any regulations for electing Senators?

Mr. OLMSTED. It has whatever power the Constitution now gives to Congress. That power we propose to preserve and we do not propose to do away with nor add to it in any way. We leave it unchanged. You propose to take that away—

Mr. SHERLEY. Will the gentleman yield right there?

Mr. OLMSTED. I do.

Mr. SHERLEY. While technically an accurate statement, is that practically an accurate statement? Does not the very change of method from election by legislatures to election by



direct vote change inevitably the power of the Federal Government over such election in a practical sense?

Mr. OLMSTED. Of course we change the Constitution so that the people elect the Senators; of course we change it to that extent.

Mr. SHERLEY. But do not we also by that change actually enlarge the power that the Federal Government has as to the election of Senators?

Mr. OLMSTED. The power remains precisely the same.

Mr. SHERLEY. Oh, the language of the power remains the same, but the application of that power under certain circumstances is so different as to enlarge the power.

Mr. OLMSTED. Changing from the legislature to the people, of course, provides different circumstances to which the same power will apply.

Mr. SHERLEY. And does not that practically serve to enlarge that power?

Mr. OLMSTED. It does not enlarge it at all. You bring certain conditions within that power, and why not?

Mr. SHERLEY. That is a different question. I am challenging the gentleman's statement that there is no change of power.

Mr. OLMSTED. There is no change of power whatever. You bring other conditions and other circumstances within the application of that same power. Why should not there be the same power? These two bodies are coordinate bodies; they have the same powers; they exercise the same authority. The Members are all Members of the Congress; they are all Federal officers; why should not the Federal Government have power to regulate, when it may be necessary to regulate, the election of its own officers? Why should it not continue to have the same power?

Mr. SHERLEY. Will the gentleman yield again?

Mr. OLMSTED. I do.

Mr. BARTLETT. If the gentleman's argument is correct, why should not the same power exist as to electors that elect the President and Vice President of the United States?

Mr. OLMSTED. Perhaps it should.

Mr. BARTLETT. But it does not.

Mr. OLMSTED. When an amendment to the Constitution shall be submitted touching that point, we will consider it, but we are not discussing it now. It is not involved in this pending resolution.

In my judgment it is absolutely essential that the power now conferred by the Constitution upon Congress shall continue to exist. Upon that point perhaps no better or higher authority can be found or better reason given than is contained in the language of distinguished Justices of the Supreme Court in the cases to which I shall refer. In *ex parte Siebold* (100 U. S., 371) the Supreme Court of the United States had before it in habeas corpus proceedings the case of a man who had been found guilty of stuffing a ballot box in Maryland, in the city of Baltimore. He had been convicted under an act of Congress. The Supreme Court sustained the conviction and found that under section 4 of Article I of the Constitution of the United States Congress had power to pass the statutes in question touching the election. Mr. Justice Bradley, speaking of the statutes passed by Congress upon the subject, said:

They relate to elections of Members of the House of Representatives, and were an assertion on the part of Congress of a power to pass laws for regulating and superintending said elections, and for securing the purity thereof and the rights of citizens to vote thereat peaceably and without molestation. It must be conceded to be a most important power and of a fundamental character. In the light of recent history and of the violence, fraud, corruption, and irregularity which have frequently prevailed at such elections it may easily be conceived that the exertion of the power, if it exists, may be necessary to the stability of our frame of government.

The right to vote for Senators or Representatives in Congress is not and can not be derived from State authority. It is derived from the Constitution of the United States.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. OLMSTED. Yes.

Mr. BARTLETT. Does the gentleman think he is accurate in stating the Supreme Court decided that the right to exercise the franchise to vote even for Members of Congress was derived from the Constitution of the United States?

Mr. OLMSTED. The court did say it.

Mr. BARTLETT. Where?

Mr. OLMSTED. And it does not require any argument to show it. Can any man vote for Senators of the United States now? No. How can he get that right? Through an amendment to the Constitution, and in no other way.

The people can not vote for Senators now; they will derive that right only from an amendment to the Constitution of the

United States. Senators as well as Representatives are very important functionaries of the United States. One very important branch of the Government can not be carried on without them. As declared by the Supreme Court in the *Yarborough* case (110 U. S., 651):

The right to vote for Members of Congress is fundamentally based upon the Constitution of the United States and was not intended to be left within the exclusive control of the States.

Why should we now so amend the Constitution as to leave it within the exclusive control of the States? Was there ever any Government on earth having legislative officers which did not retain control of the power to regulate the elections? [Applause.]

Mr. BARTLETT. I understood the gentleman to say that the Supreme Court had decided that a man has the right to vote for a Member of Congress.

Mr. OLMSTED. No; except as that right is conferred by the Constitution. The State prescribes the qualifications of voters for the most numerous branch of the State legislature. The Constitution provides that persons possessing those qualifications may vote for Representatives in Congress. The State could not confer that right. I am unable to extend in the short time that I have the courtesy that I would like to extend to the gentleman for further interruption.

Mr. BARTLETT. I thought I had permission to interrupt, or I would not have done so.

Mr. OLMSTED. I did give the permission, but I find that I can not yield further now.

Mr. BARTLETT. I maintain the gentleman can not find any such law.

Mr. OLMSTED. The reasons why Congress must have power to regulate elections are forcibly stated by Mr. Justice Miller, who delivered the unanimous opinion of the Supreme Court in the *Yarborough* case, wherein he said:

That a Government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the gravest consideration. If this Government is anything more than a mere aggregation of delegated agents of other States and governments, it must have the power to protect the elections, on which its existence depends, from violence and corruption. If it has not this power, it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.

Mr. SHERLEY. Will the gentleman permit an inquiry right there?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky?

Mr. OLMSTED. I would like to do so, but the time is so short that I trust the gentleman will excuse me.

And, again, Mr. Justice Miller, in the same case, said—and I commend these words to the gentleman from Georgia [Mr. BARTLETT]:

But it is not correct to say that the right to vote for a Member of Congress does not depend on the Constitution of the United States. The office, if it be properly called an office, is created by that Constitution and by that alone. It also declares how it shall be filled, namely, by election. \* \* \* It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively on the law of the State.

And he concludes his opinion in these terms:

It is as essential to the successful working of this Government that the great organisms of its executive and legislative branches should be the free choice of the people as that the original form of it should be so. In absolute governments, where the monarch is the source of all power, it is still held to be important that the exercise of that power shall be free from the influence of extraneous violence and internal corruption.

In a republican government like ours, where political power is reposed in representatives of the entire body of the people, chosen at short intervals by popular elections, the temptations to control these elections by violence and by corruption is a constant source of danger.

[Applause.]

Such has been the history of all republics, and, though ours has been comparatively free from both these evils in the past, no lover of his country can shut his eyes to the fear of future danger from both sources.

If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage, without legal restraint, then, indeed, is the country in danger; and its best powers, its highest purposes, the hopes which it inspires and the love which enshrines it are at the mercy of the combinations of those who respect no right but brute force, on the one hand, and unprincipled corruptionists on the other.

In the celebrated *McCullough* case, Chief Justice Marshall said:

No trace is to be found in the Constitution of an intention to create a dependence of the Federal Government on the governments of the States for the execution of the great powers assigned to it. Its means are adequate to its ends, and on those means alone was it expected to rely for the accomplishment of its ends.



This is the first attempt to make the Government of the United States dependent entirely upon the will of the States. If there is reason for the existence of power in Congress touching the election of members of one branch of the law-making body, there is equal reason for its existence as to the other. There is, indeed, much more reason for congressional authority in the election of Senators than there is in the election of Representatives. It may be seldom necessary to exercise it as to either, but the time may come when it will be necessary to exercise it as to both. The Constitution was not made for a day, and amendments are not made for a day.

Let me show to gentlemen upon the other side of this Chamber what Mr. Madison, speaking in the Virginia convention, gave as the reason for the adoption of section 4, Article I of the Federal Constitution. These are his words:

It was found necessary to leave the regulation of these (times, places, and manner) in the first places to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.

"Easily dissolved." Is that the position in which gentlemen desire to place the General Government?

Mr. Speaker, if the gentlemen upon the other side of the Chamber really and honestly desire to bring about the election of Senators by the people, let them not attempt to burden that proposition with an entirely different matter. Let them be content to amend section 3 of the Constitution without attempting to amend section 4.

How many States would ratify a proposition to amend section 4 alone? How many States would ratify a separate proposition to take away from Congress the power now vested in it by the Constitution to regulate the times, places, and manner of holding elections for Federal offices? Very few, if any. How many States desiring to secure to the people the right to vote for United States Senators would fail to ratify a proposition to give them that right, merely because it did not at the same time take away the power which now exists in Congress to alter or amend regulations for Federal elections? Not one. But many States would be unwilling to ratify any amendment depriving Congress of the power it now possesses in that regard. Leave section 4 alone. Do not touch the power which now exists in Congress to act, as the necessity shall arise in such way as to secure and protect that freedom, fairness, and purity of elections, in which lies the safety of the Republic. Leave untouched that authority, the very existence of which in the Constitution serves to prevent the necessity for its exercise. Concur in this Senate amendment and there will not be a dozen votes in this House against the adoption of this resolution. [Applause on the Republican side.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Speaker, I have listened to the gentleman from Pennsylvania [Mr. OLMSTED] for his construction of what is known as the Bristow amendment. The original amendment does not add to or take away from the Constitution, as to the election of United States Senators, the power to review their election if the Bristow amendment was eliminated altogether. Section 5 of the Constitution, which it is not proposed to amend, reads as follows:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

The construction put upon that provision of the Constitution has always enabled the body itself to determine the right of any person elected, or purporting to be elected thereto, to have the seat. Now, the Bristow amendment, if adopted, would provide a means for a dangerous precedent to be set. It is a step in the direction of taking from the people of the several States the right to conduct their own elections. It means the transfer of power from the States themselves to the General Government, a proposition that is dangerous within itself. It would give ample foundation for striking down powers now exercised by the States and transferring it to the National Government.

By the provisions of the Bristow amendment the elections of the several States might be held at a different time from the general elections of those States and under different election laws and by different election machinery. The expenses of the elections to be borne by the States could therefore be multiplied upon the people of the several States. It takes from them the right, if Congress sees fit, to hold their elections as they may desire and the right to hold them at the time that they hold other elections. Now, the purpose of the Bristow amendment is plain. It is not offered in the interest of the election of Senators by the direct vote of the people, but it is

offered for the purpose of preventing an election by a direct vote of the people of the several States—for the purpose of defeating the movement. [Applause on the Democratic side.] Certain States in the Union are opposed to the election of United States Senators by a direct vote of the people. A great majority of the States—but perhaps not three-fourths of them—are in favor of the election of the United States Senators by a direct vote of the people. These States which are not in favor of it as an original proposition are advocating this amendment, with the hope of securing the aid of other States which fear the effect of this amendment to join them in refusing to ratify this amendment; and that is the purpose of the Bristow amendment, and the only purpose of it. If by the adoption of this amendment to the proposed measure they hope to secure by indirection what they are unable to accomplish by direction, they hope, by incorporating it into the proposition, that it will drive certain States against its ratification and thereby defeat its ultimate adoption by three-fourths of the States and therefore never become an amendment to the Constitution.

Our action, therefore, becomes the more important, not because of what we do but because of its future effect upon the result of this important question.

Now, what does it mean? It means to defer this proposition—the election of the United States Senators—if this proposition is adopted, more than a quarter of a century before the ratification by enough States to adopt the amendment will occur. It is proposed in order to have States which have had experience in Federal control of elections, because of the hardships they have had to bear under such procedure, to register their disapproval of this amendment and join with the other States that are opposed to it as an original proposition.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I yield three more minutes to the gentleman.

Mr. CULLOP. Now, Mr. Speaker, it resolves itself into this kind of a proposition: The Democratic Party stands, as a party, in favor of the election of United States Senators by direct vote of the people. If this amendment, the Bristow amendment, is adopted, it means the defeat of that proposition or the postponement of it for at least a quarter of a century. It endangers its success when referred to the people for ratification. Why? There are certain interests in this country, as every man knows, opposed to the election of United States Senators by direct vote of the people, because they can manipulate the election of these Senators under present conditions and continue their control in one of the great legislative bodies of the United States. Numerous illustrations might be given. The present method of electing Senators is destroying the influence and the integrity of one of the great legislative bodies of the United States. It is minimizing its influence and disparaging its influence with the people. It is taking away the confidence of the people in the action of that body, and that has been done because of the manner in which elections of United States Senators have been made in the last 20 years.

We have an illustration to-day before that body. The State of Colorado has only one Senator in the United States Senate to-day. If they had had a direct election by the people, that question could have been settled at the ballot box and not by a legislature tying up the election for a whole session of the legislature, and now the State has only one-half of its representation in the United States Senate. It is a well-known fact that legislatures do not always reflect the will of the majority of the people of the State. Numerous examples of betrayal in this respect are familiar to us all.

This proposition when submitted to the people, in order that they might vote by ballot for their choice for United States Senators, is absolutely fair and is in keeping with the original traditions and best thought of the people who founded our institutions. Let the people control this question and not the little cliques that gather around the legislature for the purpose of manipulating the election of a United States Senator in behalf of some special interest. If you had had an election of United States Senators by the direct vote of the people, much of the time and expense to the Government would not have been consumed, as it is to-day, by investigating the election of a certain Member of the United States Senate at this time. [Applause on the Democratic side.] By popular vote that kind of procedure would be eliminated and such disgraceful scandals avoided. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired again.

Mr. RUCKER of Missouri. Mr. Speaker, does the gentleman desire to use any more time now?

Mr. OLMSTED. I yield to the gentleman from Michigan [Mr. YOUNG].



The SPEAKER. The gentleman from Michigan [Mr. YOUNG] is recognized.

Mr. YOUNG of Michigan. Mr. Speaker, on the 12th day of last April the Committee on the Election of President, Vice President, and Representatives in Congress, as the result of about one hour's deliberation, reported to this House two important measures: One the resolution now under discussion, for an amendment to the Constitution providing for the election of Senators by a vote of the people, and, as a part of the same resolution, another amendment taking away from Congress all power to regulate the time and manner of holding elections for Senators. The other measure was a bill for the publicity of campaign expenses.

The resolution and the bill were twin measures. The period of gestation had been brief, as I have previously explained in this House. The parturition was painless, and no one on the Democratic side of this House seems to have noticed that there was any incongruity between these two, the offspring of a common mother. No one over there seems to have noticed that they were born back to back, one looking in one direction and the other in precisely the opposite direction.

Where did Congress derive its power to pass the publicity bill? Clearly from paragraph 1 of section 4 of Article I of the Constitution, which it is now proposed to amend. There is no other word or line in the Constitution upon which the power to pass the publicity bill can be based.

But this is precisely the section that the resolution seeks to have amended. The power under which Congress acted in passing the publicity bill is precisely the power that the resolution to amend the Constitution proposes to abolish so far as it relates to Senators.

So you have the novel spectacle of the committee and the House saying in the bill that it is necessary for Congress to exercise the power given by this paragraph to prevent fraud and corruption and the subtle and furtive influence of malefactors of great wealth in the election of Representatives, and saying in the resolution that those malefactors should be left entirely untrammelled by Congress to exercise that crafty, silent, corrupt influence in the election of Senators. It has been often charged on the Democratic side of the House that the Senate is the seat of the corrupt influence of wealth, the last citadel of monopoly, and in an amendment intended to make that body more directly responsive to the will of the people it is now proposed to withdraw from the election of its members every safeguard against fraud and corruption.

It will not do to say—it is not honest either with this House or with yourselves to say—that you have removed this danger when you have changed an election by the legislature for an election by the people. You know better. The position of a Senator of the United States in power and in the estimation of the people is of greater dignity than that of a Representative in Congress. It is a greater prize to struggle for. The temptation to seize it by fair means or foul is greater than in the case of a Representative. Not only does the Senate exercise equal power with this House in legislation, but the Senate must be consulted in the enactment of all treaties and the appointment of all officials named by the President. To a selfish moneyed interest, seeking to control legislation for its own benefit, a Senator is four times as great a prize as a Representative. But this Democratic House of Representatives proposes, while guarding the elections where there is least danger of corruption, to throw down the bars entirely in the case where there is the greatest danger of corruption. [Applause on the Republican side.]

Mr. RUCKER of Missouri. The gentleman from Michigan has spoken of the great power exercised by a Senator, and the supposed anxiety of special interests to take advantage of that power. Does not the gentleman believe it would be infinitely harder for these special interests to control the election of a Senator when that election is by the people of the State, rather than by the legislature?

Mr. YOUNG of Michigan. I think it would be somewhat harder, and I have been in favor of that proposition, but that is not what I am discussing at this time.

Why did not some patriotic gentleman upon that side of the House point out the danger from this source to the palladium of our liberties, to the rights of the people from great combinations of capital, large employers of labor, Wall Street, Morgan, and the trusts, all seeking to capture a United States senatorship? Oh, I know that the gentleman from California gave us on this bill the first exhibition of the marvelous agility of the contortionist which our Democratic friends in this House have brought to such wonderful perfection, and which enables them on any and all occasions to talk one way and vote the other.

But it is said that the power to regulate the election of Senators has never been used. Oh, yes, that is true. Our fathers who sat in the Constitutional Convention placed many powers in the National Government which have never been exercised.

Mr. SHERLEY. Will the gentleman permit an inquiry?

Mr. YOUNG of Michigan. I should like to, but I have not the time. They were placed in the Constitution by a wise foresight to preserve and strengthen the Government and endow it with power to meet the exigencies of each occasion as it arose. These were beneficent powers. There let them remain, awaiting the time for their necessary exercise. Why strike any of them down?

Mr. LINTHICUM. Will the gentleman yield?

Mr. YOUNG of Michigan. I should like to, but I have not the time. The main argument in favor of depriving the National Government of all power to provide for or regulate the election of its own Senators was wisely placed by his party friends in the hands of the distinguished gentleman from Kentucky [Mr. SHERLEY]. There is no one in this House to whom I listen with greater pleasure. The clarity of his thoughts, the precision of his expression, his intellectual integrity which has often led him to differ with his party, make him interesting and instructive. And then he enjoys the distinction of being about the only Democrat of the old school remaining in this House. Gentlemen upon that side do lip service to the great name of Thomas Jefferson, but they rarely follow his teachings. The gentleman from Kentucky, however, is always faithful to the principles of the master, except where his doctrines were consumed in the furious fires of the Civil War. But the gentleman from Kentucky, it seemed to me, labored somewhat in the impossible task he had set himself of showing a good reason why Congress should continue to regulate the election of Representatives and should be shorn of its power to regulate the election of Senators. He said there should be such a distinction because Senators represented the State and were in a sense ambassadors from the State to the General Government, while Representatives in Congress represented the people. Why, the only purpose of the amendment as to the election of Senators is to do away with what little difference exists in this respect and make the Senators more directly representative of the people.

Mr. SHERLEY. Will the gentleman permit an interruption?

Mr. YOUNG of Michigan. I should like to, but I have not the time. If this amendment will not have that effect, it is not worth passing.

But, sirs, there is little analogy between the functions of a Senator and those of an ambassador. Ambassadors negotiate treaties, subject to the approval of their principals. Senators alter, amend, approve, or reject treaties, and their action is final; and, in addition, they exercise equal jurisdiction with this body in legislating for 90,000,000 of people. Let us never surrender the power to keep the fount of their election pure. But gentlemen upon the other side of the House have said that the provision in this resolution which sweeps away all power to regulate the election of Senators is of little importance—they have characterized it as mere "verbiage," as "phraseology," as only a difference in words—but, thank God, one frank and truthful Democrat from the South has spoken out. The gentleman from Georgia said the other day that with this provision in the resolution he and many other Democrats on that side of the House would vote for it; that without it they would probably oppose it. Why is so much importance attached to mere verbiage? Because it is plainly seen not to be mere verbiage, but the very essence of the proposition. What has any honest man, who believes in fair elections, who wishes to see fraud and corruption at elections punished, to fear from this proposition?

The other gentleman from Kentucky [Mr. JAMES] said that when Republicans insisted on the amendment offered by me—the same Bristow amendment which is now pending, to leave the power in Congress to regulate the election of Senators—he felt almost like suspecting that we were not in good faith in supporting the major proposition—the election of Senators by vote of the people—and the gentleman from Indiana [Mr. CULLOP] just now has indorsed that choice. This is no place for crimination or recrimination, for charges or countercharges. It is a great deliberate body, for the discussion of great questions. I will say, however, to the gentleman from Kentucky [Mr. JAMES] and to the gentleman from Indiana [Mr. CULLOP] that it is as true now as when Butler wrote the lines that—

No man e'er felt the halter draw  
With good opinion of the law.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. YOUNG of Michigan. I should like two minutes more.



Mr. OLMSTED. I can not yield two minutes, but I will yield one minute more.

Mr. YOUNG of Michigan. When gentlemen are so insistent on attaching this rider to the provision for election of United States Senators by the people, if I were as suspicious as the gentleman from Kentucky seems to be, I should almost suspect that they were inspired by desire to be free from all legal restraints in the use of money, fraud, and violence in the election of United States Senators, but I will not say I think that. I think the House should recede from its disagreement with the Senate and pass this resolution exactly as it came from that body. [Applause on the Republican side.]

Mr. RUCKER of Missouri. I yield to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, in my interruption of the gentleman from Pennsylvania [Mr. OLMSTED] I asked him but one question, and that was in what way Federal authority over the election of Members of Congress had been exercised, and his answer was to require that election to be by districts. I want to say that that very answer discloses one essential objection that we have to Federal authority controlling the manner and time of election of Senators. To say that Senators should be elected from the east and west half of a State, or from this or that district of a State, might be the action taken by the Federal Government under the Bristow amendment, and that would be to destroy the very purpose of the organization of the Senate of the United States, which purpose was to have a body composed of representatives of the States to sit as ambassadors of whole and undivided States.

Mr. NORRIS. Will the gentleman yield?

Mr. HARDY. I have only five minutes, and I have all I can say in that time and more too.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HARDY. Furthermore, in the great State of New York, Congress might so prescribe conditions in regard to the election as to throw the election of one Senator into the city districts and the other into the rural districts, preventing the whole State from electing one or the other, so that States might come here divided against themselves, in a body intended to preserve the integrity of a State. [Applause on the Democratic side.]

Let me say that while on its face the Bristow amendment preserves the form of our Government by adhering to the letter of the Constitution, or leaving the letter there, the fact is that the Constitution now prescribes that the whole legislature, and not a section of it, shall elect a Senator; and now each Senator is an ambassador from the whole State, while the Bristow amendment might be used to divide the senatorial representatives of the State. The Bristow amendment is revolutionary, and would change the constitutional nature of one body of our National Congress. [Applause on the Democratic side.]

Let me state another thing. The gentleman last addressing the House [Mr. YOUNG of Michigan] said the purpose of this amendment was to do away with the distinction between the functions of a Representative and the functions of a Senator. Not at all. The function of the Representatives in this House is to represent the aggregate mass of all the consolidated people of the United States. Texas stands with Pennsylvania. Represented here, it might be in this House by a mixed delegation—it may be part Democrats and part Republicans—but in the election of a Senator the whole State acts as a unit. A Senator elected by Texas represents the whole State of Texas, and that Senator elected by Pennsylvania represents the whole State of Pennsylvania. This House represents a union of a whole people. It represents that portion of the theory of the Government in its formation which said "We are a Nation"; "we, the people of the United States." The other body represents that portion of the Government which in its foundation said "We are a confederacy of independent and sovereign States." The lapse of time and the march of history has destroyed the landmarks, to some extent, which our fathers established, but, thank God, north and south of Mason and Dixon's old line there still remains a devotion to the spirit of local self-government which caused the little State of Rhode Island to stand out of the Union for years and years, until Washington had been inaugurated, because she wanted to preserve the autonomy of her independent State organization.

And when you change, when you say that a Senator is no longer a representative of a State the equal, though his State be small, of any other Senator, though his State be large, you destroy the only principle—the foundation principle upon which our Government was divided—into an upper and lower house, as to its legislative branch. [Applause on the Democratic side.] I wish to say that the purpose of this amendment was not to

change the function of a Senator, not to change his representative capacity or character, not to make him less a representative of a whole State, but to make him more truly a representative of the people of a whole State as one individual entity and autonomy. [Applause.] No other reason on earth calls for this amendment except the demand that our Senators, with all the powers, duties, and obligations contemplated by the fathers, be so elected as to truly represent the States, and the people of the States, whose servants they are.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to my colleague [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, the Constitution of the United States, in the first paragraph of section 3 of Article I thereof, provides that the Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years, and each Senator shall have one vote. And the first paragraph of section 4 of said Article I of the Constitution provides as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Responding to a great public demand, my distinguished colleague, Mr. RUCKER, from the second district of Missouri, on the 5th day of April, 1911, introduced the following joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, which reads as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:*

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof."

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct."

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

On a final vote in the House this joint resolution was adopted by a vote of 296 to 15.

In the Senate an amendment, proposed by Senator BRISTOW, of Kansas, was adopted as a substitute to the Rucker resolution.

The Rucker joint resolution, otherwise known as House joint resolution No. 39, contains the provision that the times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature.

The Bristow amendment or substitute joint resolution, passed by the deciding vote of the Vice President upon a tie vote of 44 for to 44 against, strikes that provision out, and, in all other respects, is the same as the Rucker resolution, and comes now to the House for concurrence or nonconcurrence.

The issue is clearly made.

The demand for the election of United States Senators by direct vote of the people of the States is general and should not be longer disregarded by Congress, and the House resolution proposed by Mr. RUCKER of Missouri, seeking to so amend the Constitution, responds to that demand by seeking to amend the first paragraph of section 3 of Article I of the Constitution by substituting the words "Elected by the people thereof" for and in lieu of the words "chosen by the legislature thereof," and by adding the additional words, as follows: "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature," being the same provision as paragraph 1 of section 2 of Article I, relating to election of Members of the House of Representatives.

And the Rucker resolution seeks also to amend paragraph 1 of section 4 of Article I, so as to provide in the Constitution that "the times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof," so that Congress may not by law make or alter the regulations as to the times and manner of holding elections for Senators from that as prescribed in each State by the legislature thereof, placing the times and manner upon the same constitutional basis as "places of choosing Senators," which regu-



lation by the legislature of a State can not now be interfered with by Congress.

Mr. Speaker, I am opposed to the Bristow amendment. The effect of it, in my judgment, is to defeat the insistent demand of the people for this great reform. Fifteen Senators from Northern and Western States, after voting for the Bristow amendment, voted against the resolution as amended on its final passage, which, with the vote cast by southern Senators against the resolution because of the amendment, indicates very strongly that the joint resolution would not be ratified or adopted by three-fourths of the States. Twelve States failing to adopt would defeat the joint resolution. Five Northern States voted solidly in the Senate against the resolution on final passage, as against three Southern States. Northern Senators are more opposed to popular election of Senators than southern Senators. The Bristow amendment has evidently lessened the chance of securing this much-desired reform.

Speaking for myself, I would preserve to every State in the Union the right to elect its own United States Senators.

The effort to further centralize and extend the powers of the Federal Government has been persistent on the part of those who would lessen the power and authority of the States. Special interests and other advocates of a strong centralized government are at all times seeking to curb and lessen the power of the people. It appears in every contest where the rights of the majority of the people are involved. The encroachment of Federal authority upon the rights of the States and the people thereof should at all times be jealously watched and guarded against, to the end that too much power be not centered here at the seat of the Federal Capital or of the National Government. The interference by Federal authorities in elections in the States to the end that each State may not be allowed to elect its own United States Senators in its own way and under its own laws and regulations should not find any authority in the statutes of the Nation. The special appointment of United States marshals and other Federal officers by Federal judges, holding office for life, for the purpose of supervising State elections, should not have any sanction in the Federal laws, and the law should be so written that no Federal court could find any warrant of law for any order by which the right of any State to elect its own Senators could be interfered with.

It seems to me insistence on the Bristow amendment jeopardizes the adoption of the joint resolution. The House ought to stand by its former action. [Applause.]

If Senators are to be elected as heretofore, by the legislatures of the several States, the constitutional provision might well remain unchanged, but when a new method of electing Senators is inaugurated, to wit, election by direct vote of the people, it is logical and proper to so modify this constitutional provision as to settle the question as to what governmental authority shall safeguard the election. Who should furnish the regulation, the State that sends the two Senators to the United States Senate or the Congress that receives the credentials?

The Bristow amendment coupled with the change in the law in response to popular demand restricts and narrows the power of the States while enlarging the power of Congress. The defeat of the Bristow amendment and the passage of the original resolution unamended restricts the power of Congress by preventing Congress from passing laws regulating election of Senators.

Strong constitutional power that permits Congress to pass laws regulating the times and manner of electing Senators—with such broad power—might it not permit regulations absolutely controlling said elections and an ultimate interference in the free choice of the people when deemed necessary or desirable in the judgment of strong interests to control election of Senators by the use of Federal officials, not only at the polls but by a supervision over registration of voters and qualification of electors; not only a control of the ballot box, but even over the very enactment of laws, regulating elections, and to the nullification of State constitutions adopted by the people of the States?

The very sovereignty of the States may be involved by the action of United States district courts taking jurisdiction by reason of this very amendment, and enforcing their decrees through their especially appointed marshals and supervisors of elections. This very thought is involved in the discussions of this amendment. It is true, it is asserted by some favoring the Bristow amendment, that this power exists now under the law. It is denied by those opposing the amendment. But under the new application in the change in the method of the election of Senators, and in the light of the discussions in both the Senate and the House, might not the Federal courts settle the question of dispute against the States if the Bristow amendment prevails? The great contest in this country is between strong special interests that have long sought to dominate and

control the action of State legislatures and of Congress and of the courts, and that have shown keen interest in the election of Senators, State and national, and also in the appointment of Federal judges.

The South is no more involved, in my judgment, by the Bristow amendment than any other State. The selfish interests will exercise their power and influence in the large cities and in all parts of the United States so as to place in the Senate men closely allied with them to secure legislation for their own special benefit and to defeat popular will.

The advocates of the Bristow amendment seek to shield the desires of the interests by attacking conditions in the South—obscuring the real issue—by attempts to fire the heart, obscure the judgment, and play upon the prejudices of some Members to aid them in fastening upon the country the right of the Federal Government to control the election of Senators in the interest of the money power and great corporate influences. It is true that for 124 years Congress has not availed itself of its constitutional power to pass laws regulating the times and manner of holding elections for Senators. The people have not desired during these long years that Congress should exercise this power, and now that the people of the States are about to take from the several legislatures and unto themselves the power of direct election of Senators to represent sovereign States—not special interests—in the Senate of the United States they do not want any Federal restraint or interference in their free choice of United States Senators other than the regulations provided by the laws of their own States. They would preserve the original thought of the fathers of the Republic, when the Senate was constituted of two Senators from each State to represent in that body the sovereignty of each State and the entire people thereof, regardless of the population of said State. They would preserve the integrity and sovereignty of each State and its representation in the United States Senate by retaining absolute control over their election.

The country should watch with jealous care and anxiety all attempts by the courts to usurp the rights and powers of the legislative department, and the fundamental law of the land should be so written that no court shall be able to construe away the rights of the people or write into the law unwarranted language. This day and age is fraught with apprehensions of dangerous encroachments upon the rights of the people, who, by reason of the fact that malefactors of great wealth have had undue influence in the Nation, are seeking to gain control of all branches of the Government.

Mr. OLMSTED. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, I have always felt that there was not and ought not to be any partisanship in the question of the election of United States Senators by direct vote of the people. I have known that the rank and file of the people, as far as I have come in contact with them, have been in favor of this proposition for many years, and they were not confined to any one political party.

I have known that there were thousands who for various reasons opposed this change in our Federal Constitution, and that this class of people was not confined to any one political party. We are confronted, however, here to-day with practically a division along partisan lines on the question as it is presented before the House. The resolution now before this House that has passed the Senate provides simply and solely for the election of United States Senators by a direct vote of the people.

The Constitution as now existing provides that the Senators shall be chosen by the legislatures of the States. In substance the resolution now before the House changes the words "chosen by the legislature" and substitutes in lieu thereof "elected by the people."

The Democratic Party in 1908 in its national platform said:

We favor the election of United States Senators by direct vote of the people, etc.

In the platform of 1904 they said the same thing. In the platform of 1900 they said the same thing. It seems almost as if the Democratic platform makers had a rubber stamp and they slapped this proposition on every time they adopted a platform.

I am not speaking of it in any disrespect; it is commendatory of them; but, my friends, the day of promise has passed, the time of redemption is here. You have pledged to the people that if you had the power you would change the Constitution of the United States and make United States Senators elected by a direct vote of the people. That is the proposition that is now before the House, and a vote to concur in the Senate amendment will bring about a redemption of that pledge.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. NORRIS. For a question.



Mr. SHARP. Mr. Speaker, the simile used by the gentleman as to the use of the rubber stamp prompts me to ask if the frequent use of that stamp has not tended a great deal to bring about the sentiment which has crystallized in the resolution now before us?

Mr. NORRIS. It may be, and you are entitled to all of the credit that actually belongs to you. I want to say, however, that the promises that have been frequently made by political parties and the redemption of those promises are two propositions. It seems to me if you have meant what you said all these years, you will vote to concur in the Senate amendment, which means the Bristow amendment, as it is spoken of here, the Senate resolution as now before us. But what is the predicament we find ourselves in? We find the Democrats who have thus far spoken have said to us, Yes; we are in favor of the election of United States Senators by the people, but we are not going to give that right to the people unless you take with it another amendment, and so you propose to couple on here an amendment of a different part of the Constitution, wherein the power to control Federal elections is vested by the Constitution in Congress; and you say, if we must have the election of Senators by the people, we are going to take with it an amendment to the Constitution that gives to the States exclusive control over the election of United States Senators.

Mr. SHERLEY. Will the gentleman yield?

Mr. NORRIS. Mr. Speaker, I hope the gentleman will not interrupt me, as my time is very limited. It has been argued that this amendment now before the House, if adopted, would defeat the proposition. Let us see. It is a simple proposition to elect Senators by a direct vote of the people. You propose to put in its place a resolution that is identically the same, as far as it goes, but which goes further and says that the right to control elections of Senators shall be taken away from Congress and vested in the several States. I would vote for the proposition either way, but I want to submit to you, my friends, that it is not fair to put on this proposition that the people of the United States are almost unanimous for a proposition that has never been advocated at any time by any faction or put in any platform of any political party anywhere on earth. If this has something of merit in it, then why should you couple it onto this other thing which everybody admits has merit, and that practically everybody wants? There are men who honestly think that it is very damaging. I think it would be a mistake myself, but at the same time I do not look on it with the same fear that some other people honestly do. It has been said here that this can not be approved by the legislatures unless this additional amendment is tacked on. My friends, what State would refuse to approve it? The gentlemen who have made that argument have been Democrats, and have made it along partisan lines, and I want to call your attention to a fact that everybody knows to be a fact, and that is that, as a rule, the legislatures that will defeat this amendment are the Democratic legislatures, and they are going to say to the people, While we pledged to you all these years that we ought to elect Senators by a direct vote of the people, we will not give you that privilege unless you amend the Constitution at the same time in another respect. If there is any merit in this other proposition, why don't you submit it as a separate proposition and let it stand on its own bottom; let it go to the legislatures on its own merits; let it stand here in this House on its own merits. Why will you couple with the proposition to elect Senators by a direct vote of the people another amendment that nobody has asked for, at least in the open?

I do not believe there has been a political party which has held a convention and adopted a platform anywhere in the United States that ever approved that proposition. Take the Democratic platform that I have read from and all of the other Democratic national platforms, if you will read them, and not one put in the proposition to give the States control over Federal elections that you insist shall be put in here to-day. It seems to me that it reduces itself to this proposition. Everybody, practically, is in favor of an amendment to the Constitution for the election of Senators by a direct vote of the people. You who have the power in this House to-day either to kill or to pass that resolution are going to say to the country: You can not have that amendment unless we tack on another one, that we never discussed before, that you never discussed, and that nobody dares to stand before the people of the country on as a part of any political platform.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. NORRIS. In just a moment. The gentleman from Indiana [Mr. CULLOP] said that this Bristow amendment, which is the one now before the House, was a proposition to defeat the election of United States Senators by a direct vote of the people. I want to deny that most emphatically. It is the only genuine proposition, uncoupled and untrammelled with any other

proposition, that is before this House. On the other hand, the amendment that you would add to it, a separate additional amendment to a different part of the Constitution, is one that, in my judgment, will endanger the adoption of this amendment by the legislatures of the different States, because, as I have said, many men who favor the election of United States Senators by a direct vote of the people will not vote to change the Constitution in the other respect and take away from the Congress the right to control the election of United States Senators and Members of the House of Representatives. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I agree fully with the gentleman from Indiana [Mr. CULLOP]. It may not be the intention of its proponents, but the result of the adoption of the Bristow amendment will be to defeat the resolution. There is not any sort of question about that. Now, I want to address myself for just a moment to the situation as I see it. This is a proposition, Mr. Speaker, to elect Senators by a direct vote of the people. As the gentleman from Kentucky has well said, Senators stand upon a different plane from Representatives in Congress. The Congress, in the first place, apportions representation among the different States. They prescribe how many Representatives a State shall have. The Constitution prescribes how many Senators a State shall have, and the Congress has never undertaken to interfere, and I question seriously whether they now have the power to interfere, in the manner and the times of the elections of Senators. The gentleman from Nebraska [Mr. NORRIS] says, or rather asks the question, Why should we couple another proposition? I assert, Mr. Speaker, that the original resolution which passed this House is the only genuine proposition providing absolutely for the election of Senators by the people that has been before this Congress. Gentlemen on the other side desire to couple it with something else. They charge us with being afraid of the people. Now, this resolution of ours is the only proposition which is designed to leave the election entirely to the people at interest. [Applause on the Democratic side.] And those gentlemen desire that Congress shall have authority and supervision over the election by the people in the different States. You are not leaving it to the people as long as you hold or attempt to hold some kind of supervision over the action of those people. A Senator comes from a State; he is an ambassador; he represents the State in its entirety. The State is a sovereignty which Senators represent at the other end of this Capitol.

Now we propose to take the election away from the legislature and put it directly in the hands of the people of the different States to elect their own Senators, and you propose, although you say you are willing for that to be done, that although the people may have the right to elect, yet you insist that you, a body sitting here in Washington, in the Capital of the Nation, shall reserve to yourself the right to say whether or not the people have been fair, whether they have been honest, whether they have been just in the election of their Senators. We propose to strip it from every outside influence; we propose to take the power away from the legislature, and to take it away from the Congress, and leave the people of those sovereign States absolutely free to elect their own Senators. If the people are corrupt, then it is the fault of the people, not ours; and if the people of the different States are so corrupt that they can not hold an election for United States Senator without that election be tainted with fraud, then your Government is a failure, and a failure now. So that I say, Mr. Speaker, that instead of our undertaking to attach something to this to deprive the people of absolute power, the Bristow amendment proposes to do that and to give another, a foreign body, a body entirely removed from the State, removed from the people, surveillance or jurisdiction or censorship over their acts in the election of their own Senators.

Mr. CULLOP. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Will the gentleman from Florida [Mr. CLARK] yield to the gentleman from Indiana?

Mr. CLARK of Florida. Yes.

Mr. CULLOP. It goes further than that. It vests the power in Congress to pass the election law by which the election shall be held; it goes further than supervising.

Mr. CLARK of Florida. Undoubtedly; and goes further than the power given now, because they can not pass laws to regulate the election of members of the legislature who, under the present system, elect the Senator. [Applause.]

The SPEAKER. The time of the gentleman from Florida has expired.



Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. WITHERSPOON. Mr. Speaker, as I understand the question before the House, it is this: That the resolution for the election of Senators by the people, as passed by this House, provided that the time, the places, and the manner for the people to elect their Senators should be provided by the legislatures. That resolution, as it passed the Senate, as it now pends under this motion before the House, strikes out that provision and leaves the power to regulate the time and the manner of holding the election for United States Senators ultimately in the Congress of the United States. And for that reason, Mr. Speaker, I am opposed to it. I do not believe that the Congress of the United States should have the power to determine the time, the place, and the manner for a State to elect its Senators. Why should it so determine? Does the Congress of the United States know better, and can it determine with greater wisdom the time when Mississippi shall elect her Senators? Do the Members of this House from other States think that they have so much better knowledge of the local conditions existing in our State and of the conveniences of our people that they could vote in this House more intelligently to determine the time and the manner of electing our Senators than we? I undertake to say that you know no more about what is best in our State than we do of what is best in your State. Now, in the very formation of the Government we see in every provision this fundamental idea: That there are certain matters which in their nature are of such general interest that the Congress of the United States can deal with them better and with greater wisdom than the people of the several States. We see that the Nation can legislate with greater wisdom on matters that affect our foreign relations, on matters that affect our interstate commerce, and on every matter of that kind which is of general interest; and for that reason the framers of our Government in their wisdom have committed all such matters to the Congress. On the other hand, there are a great many matters of local interest where the wise and best solutions of the questions that arise out of them can be made with more wisdom by a local government, and that is the foundation of the doctrine of local self-government. [Applause on the Democratic side.]

The value of local self-government lies in the fact that the people of any community have so much deeper interest in their local affairs and so much better knowledge of local conditions that they are able to enact better laws to regulate their affairs than it is possible for those to enact who live in distant States. For this reason the people of each State in the Union reserved to itself in the formation of the Federal Government the right to regulate everything of a local nature. The protection of life, liberty, and property within the State, the question of public education, the maintenance of benevolent institutions, the enforcement of the criminal laws, the construction and maintenance of public highways, and the enactment, interpretation, and execution of laws pertaining to these and all other matters of local interest was wisely reserved within the control and jurisdiction of the State governments.

The question therefore presented by the motion to concur in the Senate amendment is whether the determination of the time and manner of the election of a United States Senator by a State is a matter of local interest, like the establishment of a common school, like the punishment of a murderer, like the maintenance of an asylum for the insane, about which the people of other States would know nothing and have but little concern, and should therefore be intrusted to the State government; or is the determination of the time and manner of electing Senators like a treaty between a foreign government and our own, like the regulation of interstate commerce or like the coinage of money, in which all the people of the Union have the same identical interest, and which is therefore best intrusted to a common government? Every State in the Union is deeply interested in who shall be the Senators of every other State, because the Senators of every other State must participate in the enactment of the laws pertaining to matters in which each State has, together with all others, a common interest, and therefore the Democrats of the House without a single dissenting vote have passed the resolution to amend the Constitution so as to take from the legislature of each State the power to elect the Senators from such and to intrust that power to the people thereof. The value of this change lies in the fact that the wisdom, virtue, and patriotism of the people of a State will result in the selection of Senators who will serve the people better and enact better laws than could be expected from Senators chosen by the legislatures. The bribery, the scandal, and the shame which has resulted from the intrusting of this power to the legislatures, and the servile fidelity of those elected by legislatures to the special interests of those whose

money and power had influenced their election in the legislatures fully justifies the wisdom of this change in the organic law. The proposed change in the Constitution will give to the people of each State not only the right to choose their own Senators, but the guaranty that the honesty and intelligence of the people of every other State will be exercised in choosing its Senators.

While this change in the organic law is a matter of common and universal interest, and while each State is so deeply interested in the selection of all the Senators, yet no State has any sort of interest or concern in either the time or manner of electing Senators in the other States. The time and manner in which the Senators from Mississippi are elected is of no interest or concern to the people of Maine, nor do the people of Mississippi care when or how the people of Indiana elect their Senators.

The time at which the people of Mississippi should elect their Senators presents a question of local convenience in which no other State has any interest. Being engaged mostly in agriculture, it suits the welfare of the people of Mississippi best to hold their elections in July and August, between the end of the cultivation and the beginning of the harvest of their crops, and since no other State has any concern in the time of their elections, the control of the time is not a matter in which any other State should have a voice. It seems to suit the people of other States to hold their elections at different seasons of the year, and therefore Mississippi should have no voice in fixing the time for them. When the time for electing Senators is fixed by the laws of the State it can be so arranged as to have the election of Senators, Congressmen, and State and county officers all at the same time and thus save a great deal of expense to the people, but if Congress should fix the time of holding elections for Senators it would have to fix the same time in all the States, and thus fasten upon the people a double and useless expense.

The manner of electing Senators is purely local and should be left to the States. If any State in the Union should elect two men to represent it in the Federal Senate no other State could have the slightest interest in the manner of such election. The Constitution of the United States prescribes the qualifications for Senators, and if the chosen Senators from any State have the prescribed qualifications it should not matter what the manner of election was.

But it is urged that the time and manner of electing Senators is a matter of common interest and national concern, and that Congress should control it, because it is necessary to the preservation of the Federal Government. This I deny. The true theory of the Federal Government is maintained by leaving the entire selection of Senators to the States. The Federal Constitution was largely a compromise between the advocates of a strong centralized Government and the friends of State rights, and one of the most prominent and important of all the concessions to the sovereignty of the States was the provision that each State should be represented in the Federal Senate by two Senators, without regard to population, thus putting all the States on an equality. The idea was that each State should have the same power in the Senate and that its two Senators should represent the State. It is in perfect accord with this idea that the State should elect its Senators in its own time and manner. If Congress can determine the time and manner of electing Senators, and the time and manner fixed by Congress does not suit the State, then, in so far as the time and manner of the election is concerned, the Senators elected contrary to the time and manner desired by the State and in accordance with the will of Congress will represent not the State, but the National Government.

If the Senators should represent the National Government in its will as to the time and manner of their election, then we will have taken one step toward their representation of a centralized government in all respects, and instead of preserving the Federal Government in its integrity, the object and effect of the Bristow amendment is to destroy the very nature of the Federal Government in so far as it is affected by the time and manner of electing Senators. One of the great political evils of the day is the fact that too many Members of the Senate represent, not the will of the people, but the will of their masters who dominate a subservient legislature to secure their election, and the very object of the proposed amendment to the Constitution is to remedy this evil. It is therefore illogical to concur in the Bristow amendment, which provides that Senators from a State may not represent the will of the people of that State as to the time and manner of their election.

But the Bristow amendment is illogical, unwise, and inconsistent in that, if it be adopted, the power to fix the places of electing Senators will be vested in the State governments, and the time and manner of their election in the Federal Govern-



ment. This will necessitate two systems of laws, one of which must be enacted by the States to determine the places of holding the elections and the other must be enacted by Congress to determine the time and manner of the election. If the places of holding the elections for Senators is not a matter of national concern and common interest, which should therefore not be intrusted to Congress, it is impossible to conceive any reason why the time and manner of the election is not also a matter of State jurisdiction. If the will of the people of the State should prevail as to the places of electing their Senators, why should not that same will prevail as to the time and manner of the elections? If the preservation of the Federal Government does not depend upon its selection of the places of holding the senatorial elections, as the Bristow amendment concedes, how, then, can it depend upon the selection of the time and manner of the elections? But the argument is made that the Constitution, as it now stands, provides that the legislature can fix the places and Congress the time and manner of the elections. This is true, and there is some reason for it, because the elections of Senators by the legislatures, as now provided, had to take place at the capitals of the States, and it would therefore have been folly to empower Congress to provide for an election by the legislature at any other place; but when the election is transferred from the legislature to the people, there can be no good reason why the legislature should fix the places of the election, as the Bristow amendment admits it should, and not also fix the time and manner of the election.

Another fact, which demonstrates that the power to fix the time and manner of electing Senators should reside in the people of a State is that, while the Congress has from the beginning of the Government had the ultimate power to determine the time, places, and manner of electing Representatives, yet it has for more than a hundred years permitted the States to exercise it. The fact that the Congress has for such a long time acquiesced in the exercise of this power by the States, and that each State has provided for the time and manner of electing its representatives, is a confession of the Federal and State governments that the power can be exercised with greater wisdom and to the best advantage by the States and not by the Congress. The wisdom of the rule that the States should control the time, place, and manner of elections is forcibly illustrated and emphasized by the only exceptions to the rule, which were in the dark days of reconstruction and force bills, when, dominated by sectional hate and bitter partisanship, the Republican Party assumed control of the elections of the South and destroyed local self-government, substituting the rule of ignorance and vice for that of intelligence and virtue, and with the point of Federal bayonets fastening the heel of the negro upon the neck of the white man.

But it is urged that the Bristow amendment should become a part of the Constitution because, while the Congress has never exercised its power to control the election of Representatives except in the period of reconstruction, yet it has always exercised that power as to the time and manner of election of Senators. This is a mistake. While section 14 of the Revised Statutes does provide that the legislature shall on the second Tuesday after it convenes proceed to elect the Senator, yet this does not fix the time, because the State determines when the legislature shall convene. The fact that section 14 does not fix the time of electing Senators is demonstrated by the fact that no two States elect their Senators at the same time. There is hardly a month in the year in which some State does not elect its Senators, and this great difference in the times of the election is the result of each State determining for itself when it will elect its Senators, and shows that even when Congress attempts to fix the time, as it did in section 14, it can not do so, but the time of the election varies and changes according to the will of the State.

But it is also urged that the Congress has exercised the power to provide for the manner of electing Senators in the legislature. The manner in which the legislature shall elect the Senators, as provided in section 15 of the Revised Statutes, is harmless and unimportant, because no manner that could be devised for the election by a fixed and definite body, over whose numbers and membership Congress has no control, could possibly affect the result or change the choice of the person elected. An election of the Senator by the people is a radically different proposition, in which the control of the manner could be and would be exercised to determine the choice, and the very fact that Congress has exercised its power to control the manner of the election of Senators by the legislature, which manner could not in the nature of the election affect the result, and that it has failed to control the manner of the election of Representatives by the people where the control of the manner would affect the result is an irresistible argument to show that

the wisdom of Congress, as manifested in the whole history of the country, favors the jurisdiction of the State over the manner of popular elections, and is a historic condemnation by Congress of the Bristow amendment.

It is therefore clear that the Congress throughout the history of the country has always deemed it best to leave the selection of the time and manner of Federal elections to the States, except during the very period when above all others it should have done so, and that was when partisanship had dethroned reason and sectional hate had supplanted patriotism and brotherly love. And the very motive now behind the insistence that the power to control the time and manner of Federal elections should be reserved in the Congress is the hope of the Republican Party that the dark day may return when the happy reunion and widespread affection which now binds every section of the Union together will give place to such sectional ill will and hostility that public sentiment at the North will sustain that party in again overthrowing southern civilization. The exhibition of ill will to the South and the repeated flings at our section that have come from the Republican side of the House all through the debate at this session of Congress is sufficient assurance that this party still has the disposition to overthrow local self-government in the South, and has been deterred from doing so by public sentiment in the North. And while I confidently believe that this public sentiment and sectional good will is now and always will be sufficient protection to the people of the South, yet I can not support the Bristow amendment to the resolution, since its only object and purpose is, as I believe, to enable the Republican Party to destroy southern civilization whenever sectional conditions may so change that it can gratify its malignant feelings toward the South without danger of being turned out of office. It seems, therefore, that both the rule of inaction on the part of Congress throughout the entire history of the country, permitting the States to control Federal elections, and the lamentable exception to that rule both demonstrate the wisdom of vesting the States with the power to regulate the time and manner, as well as the places, of holding senatorial elections.

But it is said that Congress should have the power to determine the time and manner of holding senatorial elections, because it has the power with reference to the election of Representatives. This contention is based on the idea that there is some virtue and advantage in making the power of Congress the same in both cases. Even if this were a sound argument, it would be inapplicable to the Bristow amendment, which does not propose to give the Congress the same power with reference to the election of Senators which it has with reference to the election of Representatives, for the Congress can control the time, places, and manner of electing Representatives, while the Bristow amendment proposes to give the Congress power to control only the time and manner, and to leave the State the power to control the places of the election of the Senators.

The provision of the Constitution with reference to the election of the Representatives, whether wise or unwise, is at least logical, consistent, and sensible, being based on the fact that the same government, whether the Federal or State government, should control the time, place, and manner of election, while the Bristow amendment is illogical, inconsistent, and senseless in making a useless and unreasonable division of the same election by committing the place of the election to the jurisdiction of the State and the time and manner to the Federal Government.

But the argument that the provisions with reference to the election of Senators and Representatives should be the same is not only inapplicable but is unsound. The fact that the Congress has the power to control the time, place, and manner of electing Representatives is a strong reason why it should not also have the power to control the time and manner of electing Senators, because if the Congress should ever again exercise that power so that the Congressmen from a State would not represent the sentiment and will of the people of the State, then there should be a constitutional guaranty that the State could, at least, choose its Senators at such time and in such manner that its sentiment and will should have some expression in one branch of the Congress at least. There is no escape from this conclusion, except to those who may desire that in certain contingencies the will of the people should be wholly disregarded, and that the present union of the States shall become a great empire in which the Members of both branches of Congress shall represent not the will of the people but the will of the Government.

If, therefore, as I have shown, the people of a State can more wisely determine the time and manner of electing its Senators because it has a deeper interest and better knowledge of local conditions than the Congress; if, as I have shown, the time



and manner of electing Senators is not a matter of common concern, but of local interest and a part of local self-government; if, as I have shown, the committing to the State of the power to determine the time and manner, as it now has the constitutional right to determine the places of the election, would save expense and trouble and promote the public convenience; if, as I have shown, the determination of the time and manner of electing Senators carries out the fundamental theory of our Government that the two Senators from a State should represent its wishes, its sentiment, its will and welfare, and not the will, wishes, and sentiment of the Federal Government; if, as I have shown, it is illogical and without reason that the matter of the election should be so divided that the State will have jurisdiction over the places and the Congress over the time and manner of senatorial elections; if, as I have shown, the failure of Congress from the beginning of our history to fix the time and manner of Federal elections, except in times of great sectional excitement and partisanship, is an admission that the determination of the question had better be left to the control of the States; if, in short, as I have shown, every consideration of reason, policy, and convenience, expense, and theory favors the jurisdiction of the State over the time and manner of elections of Senators, and if there is no sound reason why the Congress should have the jurisdiction, the question arises why is the Republican Party, both in the House and in the Senate, so determined that the people of the State should not control the time and manner of electing Senators? And why has this party made such a long and vigorous fight to tack the Bristow amendment to the resolution for the popular election of Senators? Why so much vehemence and feeling manifested on the Republican side to retain the power to fix the time and manner of electing Senators?

No explanation can be obtained by a consideration of the subject of the contention. To the ordinary mind it would seem that the mere time and manner of an election is a matter of little importance, and does not merit the great consideration that it has received. It would seem to one who only looks upon the surface and fails to discover what is concealed beneath, that it is utterly immaterial whether the State or the Federal Government fixes the time and manner of the election. If a State can elect a Senator to represent it at one time and can also elect the same person as Senator at a different time, it is true that the question of the time would amount to nothing whichever government might fix it; and if the State can elect the same person as Senator in a manner determined by the State as in a manner fixed by the Congress, then the manner would be immaterial. It is plain, therefore, that there is a deeper significance involved in the question than appears on the surface. There is something more important than the mere time and manner of the election which has aroused such determined effort on the part of the Republican Party. Under the fraudulent pretense of controlling the time and manner of electing Senators, the real purpose and object of the Republican leaders is to determine who shall be the Senators from the Southern States. Instead of Senators who will represent the sentiment, views, and will of the southern people, the Republican leaders would like to have southern Senators, as they once did, who would represent the will of the Republican Party, and who will be the pliant tools of the trusts and monopolies, which are the masters of the Republican Party and which furnish the money to keep that party in power for their selfish ends. The accomplishment of this purpose lies in the possibility, and the danger in the whole proposition lies in the ambiguity of the two words "people" and "manner." The friends of the Bristow amendment tell us that it really works no change in the Constitution, that the provision now is that the Senators shall be chosen by the legislature, and that the Bristow amendment only substitutes for the word "legislature" the word "people." But right here lies the danger. The word legislature is a fixed, unambiguous term, describing a body composed of a certain number of men elected by the people of the State. The Congress has no jurisdiction over the election of members of the State legislature, and if the legislature fails to elect Senators who represent the will of the people of the State, the people have the power to turn their legislators out of office and to replace them with men who will respect the popular will, as they often do. But the word "people," which the Bristow amendment substitutes for the word "legislature," is an uncertain, ambiguous term. It is sometimes used to include children as well as adults, women as well as men, unregistered as well as registered voters, and when we say that the people shall elect Senators, then whichever government, whether the State or the Federal, has the power to determine the manner of an election must determine what classes constitute the people. Under the present

law of Mississippi, the people who have the right to elect officers are the men 21 years of age who can read the Constitution, or understand it when read to them, and who have paid their taxes on or before the first day of February in the year in which they seek to vote, and who have not been convicted of certain crimes, and who have registered four months before the election. These classes of men constitute the people of Mississippi as determined by the legislature of the State, but the real object of the Bristow amendment is to let Congress determine who shall be included in the word "people." And the leaders of that party would like to determine that every negro in Mississippi, whether he has paid his taxes or not, whether he can read the Constitution or not, whether he is a criminal or not, and whether he is a registered voter or not, is a part of the "people" and shall have the right to vote.

The object of the Bristow amendment is to wrest the political power of Mississippi and every other Southern State from the virtue and intelligence of the people and vest it in the ignorant and vicious class of the State. In short, the object is to destroy the civilization of the South, and instead of southern representation in the Congress of the United States they aim ultimately at the overthrow of local self-government in the South and the selection of the tools of monopoly and trust to sit in the House and Senate as representatives of Southern States. Whenever this object is accomplished and the Senators from the Southern States cease to represent the will of the people of those States, but represent the will of the Republican Party, then the Union of the States shall have been destroyed and converted into an empire, in which the voice of the people amounts to nothing.

The accomplishment of the real object of the Bristow amendment will be facilitated also by the uncertainty and ambiguity of the word "manner." What does the manner of the election mean? Does it include the registration of the voters? If so, then the Government which has the jurisdiction to fix the manner must provide for the registration, and hence determine who are qualified to be registered. Does it include the appointment of the clerks and managers? If so, then the Government which controls the manner must appoint the managers and clerks of the election. Does the manner of the election include the determination and declaration of the result of the election? If so, then the Government having control of the manner must decide who has been elected. It is therefore clear to my mind that the whole object of the Bristow amendment is to deprive the State of the power to determine who shall represent it in the Senate, and to give to Congress the power to determine and select Senators of the Southern States.

The danger to Southern civilization in this unrighteous amendment would not be half so great if the American people were divided into two national parties. But the Republican Party is a sectional party. It was organized as a sectional party, and it has never had any existence in the South, and never will have. The hearts of its leaders are filled with bias, prejudice, and hate toward the southern people, and all through the debates in this very Congress they have given full expression to their ill will toward the people of the South. And just as long as there is a possibility of this sectional South-hating party having control of the Federal Government, just so long will I oppose giving the Congress the power to interfere with elections in the South.

It is perfectly clear that the ground of Republican contention in the Bristow amendment is to overthrow white supremacy and to reinstate negro domination in the Southern States. The Republican position, clearly expressed throughout the debate, full of malignant tirades against the South, and breathing the bitterness of hate toward the southern people, does not even pretend to limit the operation of the Bristow amendment to the control of the time and manner of the election throughout the Union, but boldly warn us that the object and aim of the amendment is negro rule in the South, is Federal interference with southern elections, is Federal compulsion of what is denominated honest and fair elections in the South. The Republican Party not only avows its regret that it has heretofore been too lenient in not overthrowing local self-government in the South, but avows its purpose, under the Bristow amendment, to usurp control of southern elections whenever necessary to preserve the progressive civilization of the day.

If one-half the reports in circulation are true, and if the statements of Republican and northern Senators correctly describe the political situation, then the very center of the unfairness, dishonesty, and corruption in senatorial elections has not been in the South, but in those very Northern States in which the Republican Party raise the cry of dishonest and unfair elections in the South in order to divert attention from its own shame. The very ground of the well-nigh universal de-



mand throughout the North for the popular election of Senators is the bribery and the corruption which has been practiced in northern legislatures by the trusts and monopolies which dominate and control the Republican Party, and surely this party of corruption and vice should be silent about the elections in the South.

But by honest and fair southern elections is not meant elections free from bribery and corruption on the part of the corporate masters of the Republican Party, but the term "honest and fair elections" is used to describe southern elections in which ignorant and criminal negroes are used to control southern elections, as was once done under Republican misrule. In other words, the purpose of the Bristow amendment, as interpreted by the Republican Party, is not merely to have the Congress determine the time and manner of the election, but to give the General Government jurisdiction to enforce such elections in the South as the sectional South-hating Republican Party may call honest and fair, and thereby, under the false pretense of controlling the time and manner of southern elections, to secure elections in which ignorant and vicious negroes shall be the managers and clerks and in which a negro majority shall be counted.

The entire drift of the debate on the Republican side shows that negro domination of southern elections is the ultimate aim of the Bristow amendment. The love of the Republican Party for the negro is the rankest hypocrisy. The iniquitous system of taxation by which the fruits of the negro's toil, as well as of the southern white man, have been legislated into the coffers of the monopolies and trusts of the country shows that the Republican Party only loves him to rob him. In the whole Republican organization there is not as much real affection for the negro as you can find in one southern white family. We know that the welfare of the negro as well as that of the white man forbids that he should again, under the guidance of the Republican carpetbaggers, ruin the Southern States, and we therefore oppose the Bristow amendment, which aims at such disastrous results.

But the Bristow amendment is not made in good faith. It is not proposed because it is believed that the Federal Government can more wisely determine the time and manner of an election in a State than the State can do. The object of the amendment is not to improve and better the law, but it is a scheme to defeat the popular election of Senators. Those who oppose the popular election of Senators all favor the Bristow amendment. The real idea of the Republican Party is the same old Hamiltonian idea that the people are incompetent and unfit to rule, and that a strong centralized government is necessary to compel the people to submit to the will of the government. In every State where this idea is dominant, the legislature will refuse to ratify the amendment for the popular election of Senators, and the scheme of these enemies of the people was to so change the resolution by the Bristow amendment as to threaten southern civilization with negro rule and thereby force the Southern States to join the Republican enemies of the people in Northern States where that party still has control and defeat and kill the proposition for popular senatorial elections. This unrighteous scheme will certainly be successful if the Bristow amendment is adopted, and for that reason, Mr. Chairman, I oppose it.

In conclusion, the question presented by the Bristow amendment is apparently not whether it is best and wisest that the State or the Congress shall control the time and manner of senatorial elections but really whether southern Senators shall represent the will of the people of those States or the will of a partisan majority in Congress. The practical importance of this question in the past became apparent when the Republican Party overthrew local self-government in the South and established negro supremacy in order to perpetuate itself in power.

The patriotic sentiment of the North and the sectional affection that now binds every part of the Union together has for many years restrained the Republican Party from a repetition of its hostile interference with the election laws of the South, but the strong effort to fasten the Bristow amendment on the resolution for the popular election of Senators, and the expressions of the Republican leaders of their hatred of the South and of their infatuation for negro rule, show that the hope of again destroying southern civilization is still cherished in their hearts. The time when they dream of accomplishing this purpose is indicated in the avowal that the Federal Government should exercise the power given it by the Bristow amendment whenever it shall become necessary to the preservation of our progressive civilization. It is a civilization in which the Republican Party has exercised every function of the Government to legislate the wealth of the country from the masses who produce it into the pockets of the classes who enjoy it. It is a

civilization in which year by year the rich are made richer and the poor are made poorer by unjust legislation. It is a civilization in which half of the American people own no property and the number of paupers are increasing and the number of millionaires and multimillionaires are multiplying under the operation of the class legislation of the Republican Party. This civilization is called progressive. It is growing from bad to worse. And the great issue of American politics is whether this civilization, as it is called, shall progress still further or shall be changed—whether injustice in legislation shall be continued or abandoned. It is an issue between the masses and the classes, between the people and plutocracy. And when the last final struggle comes, when it is finally decided whether the people or the plutocrats shall govern the country, it is the dream of Republicanism, as openly expressed, under the necessity of preserving this progressive civilization, to overthrow local self-government in the South and to use the poor deluded negro to overthrow and destroy the rights of the American people and to establish forever the reign of plutocracy in American politics. When that awful day comes, then the preservation of the rights of the American people in every Northern State will need southern Senators who represent the will of the southern people instead of Senators who represent the will of the favored classes, who dominate and control the Republican Party.

Mr. OLMSTED. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. MOON].

Mr. MOON of Pennsylvania. Mr. Speaker, the resolution originally adopted by the House proposes two distinct and disconnected amendments to the Constitution. The one providing for the election of United States Senators by the people, without the intervention of State legislatures, and the other depriving Congress of all power of supervision over these elections.

The Bristow amendment to the House resolution eliminates the provisions to abrogate Federal control of the senatorial elections and confines the proposition to the one subject, namely, to amend the Constitution of the United States so that the people of the several States may vote directly for United States Senators.

The proposition to concur in the Senate amendment which is now before us affords the opportunity to limit the proposed amendment to one subject. I am in favor of concurring in that amendment.

Mr. Speaker, however we may differ respecting either the advisability or the legality of the present proposition, there is one thing upon which I think both sides of this House will be agreed, namely, that we are now engaged in one of the most important functions conferred upon us by the Constitution. We are exercising the extraordinary legislative power of Congress. We are engaged in amending the Constitution of the United States. I want to call the attention of gentlemen of this House to this fact, that we are proceeding in the discharge of this important duty with what we all must admit is unseemly haste. We occupy many days in the discussion of the fiscal policy of the Government in the adoption of tariff measures. I think we took 10 or 15 days here for the discussion of Canadian reciprocity and a week in the discussion of the wool-tariff schedule. We are on the eve of a temporary adjournment. We have one day remaining before that time. The Members want to get away on Thursday. We have a day to fill in, and therefore we say, "All right; let us amend the Constitution of the United States." Now, that is what we are attempting to do, and the gentleman from Missouri [Mr. RUCKER], under the stress of such conditions, was obliged to deny to the gentleman from Pennsylvania [Mr. OLMSTED] even two hours and a half to discuss this problem.

Mr. RUCKER of Missouri. Mr. Speaker—

The SPEAKER. Does the gentleman from Pennsylvania [Mr. MOON] yield to the gentleman from Missouri [Mr. RUCKER]?

Mr. MOON of Pennsylvania. I have only 10 minutes.

Mr. RUCKER of Missouri. I merely want to call the gentleman's attention to the fact that yesterday evening gentlemen on that side expressed the belief that an hour and a half would be ample, and I have given the gentleman from Pennsylvania [Mr. OLMSTED] all the time he wants.

Mr. MOON of Pennsylvania. My statement was that under the stress of conditions like these you were obliged to do it.

Mr. RUCKER of Missouri. The gentleman always make such an interesting speech that if the gentleman from Pennsylvania [Mr. OLMSTED] can not yield enough time to him, I will yield him some time myself.

Mr. MOON of Pennsylvania. Now, gentlemen, let me consider this proposition from a different standpoint than that from which it has already been considered. I do not desire, in the little time at my command, to repeat the arguments already made and so well made. But let me recall the fact to you, gen-



tllemen, that if we are willing to amend the Constitution under these irregular circumstances and with so much unseemly haste, the people of the United States are not willing to join with us in so serious a proposition.

Do you know that in 125 years there have been seriously proposed over 2,000 amendments to the Constitution of the United States? And do you know that the people of the United States have practically rejected every one of them. Let us consider for a moment what the people have done in the past with such propositions and the circumstances and conditions under which the existing amendments to the Constitution were adopted, and out of that consideration let us draw a line of policy to be pursued at the present time. We have, it is true, 15 amendments to the Constitution, but a consideration of the subject of those amendments and the circumstances under which they were proposed and adopted give no warrant for our present proceedings.

The first 10 amendments are almost an integral part of the Constitution itself. They are simply declarations of the old immutable principles of Magna Charta, a cautionary reservation of the rights of the States, a bill of rights.

The eleventh amendment was proposed in 1794, almost immediately after the organization of the Government, and was made to recall a portion of State sovereignty with which the States had inadvertently parted. In the recital of the judicial power of the United States there was a provision that it should extend to all suits between a State and its citizens or the citizens of a foreign State; and in the early case of *Chisholm* against Georgia, Justice Jay declared that under the Constitution a State could be brought to the bar of the court at the instance of a citizen of a State. Then the people of the United States said, "We never intended to do this and inadvertently parted with a part of our sovereignty," and they proceeded to amend the Constitution to recall that power.

Later on the people found that the method employed for the election of the President and Vice President, as provided in the third paragraph of the first section of Article II, was cumbersome and defective, and in the twelfth amendment they simply amended a part of the machinery of the Government at the demand of the people of the United States, and this constitutes the twelfth amendment. You all know that the thirteenth, the fourteenth, and the fifteenth amendments grew out of conditions that were revolutionary, when the liberation of the colored race from slavery created conditions with which the States were unable to cope, and it became necessary to protect their rights by a series of constitutional amendments. It will be seen, therefore, that all of these changes grew out of the acknowledged inadequacy of the Constitution and were made in obedience to the intelligent demand of the people or of the States themselves for a change in the organic law to meet these demonstrated conditions.

But, Mr. Speaker, we are confronting a proposition to-day that this country never heard of before; we are establishing a precedent, if you adopt this resolution without the Bristow amendment, that, in my judgment, is the most serious and dangerous precedent ever established by an American Congress. Understand, gentlemen, that the Constitution of the United States is a concession of the power of the various States, and that every amendment has been made either through a demand on the part of the people for a return of a part of that power or by a voluntary concession of greater powers by the States themselves for the establishment of a more perfect Government.

But for the first time in the history of legislation the Members of Congress themselves are initiating a constitutional amendment that no State, or the people of no State, ever thought of or ever asked at our hands. No class of people, no State, and no newspaper even ever demanded the relinquishment of governmental power in the supervision of the election of United States Senators, a power which in the field of its operation has been demonstrated to be essential to the integrity of the Government. I repeat, neither do the people of the United States or the States themselves demand that we should relinquish that power. We initiate the demand; we beg the States to take it back; we ask to be relieved from the burden of its exercise. Why, Mr. Speaker, this proposition absolutely amounts to treason by the Congress of the United States to their own prerogatives, to their own responsibilities, and to their own constituency. [Applause on the Republican side.] We voluntarily declare that we are unfit and unworthy to discharge the power that the States have conferred upon us. We abandon the discharge of an important function absolutely at our own initiative.

It has been the boast of every jurist and every statesman that the powers and functions of government have been so

wisely distributed by this Constitution that by accepted principles of construction it has adapted itself to the amazing changes of a progressive century without changing its fundamental character. It has been heretofore an immutable instrument written on bronze. But if you are going to adopt this simple and easy principle of amendment by a voluntary abandonment by the Congress of powers never sought to be recalled, if you begin to emasculate it by supinely relieving yourself from the exercise of those powers, you will make it a facile instrument written in sand. [Applause on the Republican side.]

The SPEAKER. The time is up.

Mr. OLMSTED. Mr. Speaker, I had expected to recognize the gentleman from Iowa [Mr. KENDALL] for five minutes. He is willing to yield that time to the gentleman from Pennsylvania [Mr. MOON]. [Applause.]

Mr. MOON of Pennsylvania. The proposition to elect United States Senators by the people is a legitimate subject of constitutional amendment that has been demanded by the people of the States. It has been demanded by resolutions of States; it has been demanded by State legislatures. Nay, more, many of the States have practically adopted it by legislation, and there is a universal demand for that species of constitutional amendment.

Mr. SHERLEY rose.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky?

Mr. MOON of Pennsylvania. I should like to, but I can not.

The SPEAKER. The gentleman declines to yield.

Mr. MOON of Pennsylvania. But the second proposition—the proposition to relieve ourselves from the supervision of the election of United States Senators—is not only uncalled for but it takes away from us a vital fundamental power necessary to the preservation of the Government itself. I call your attention to the fact that it absolutely destroys the equilibrium of the United States Government as conceived by its founders and as developed and demonstrated by actual experience for 125 years. Bear in mind, Mr. Speaker and gentlemen, that the two branches of the legislative department, the House and the Senate, are one. They are not two coordinate powers, they are two parts of one coordinate power, differing somewhat in their minor functions, but in all constitutional powers, in all constitutional matters, one before the law of the land.

You propose to surrender to the States the right of Congress to exercise that prerogative of sovereignty in the election of United States Senators, and you propose to preserve it so far as the election of the Members of the House is concerned.

Mr. Speaker, I have been in this House a few years, and on many occasions—indeed, on all occasions where it was possible—I have heard the Members of this House inveigh against any attempt to create any distinction between the power, dignity, and sovereignty of this House as contrasted with the power, dignity, and sovereignty of the House at the other end of this Capitol. You now propose, gentlemen, for the first time in history, to do what the fathers never dreamed of doing, to draw a distinct line of demarcation. You say, in effect, that so far as the regulation of our own elections is concerned, we can control that, but that we are entirely too weak and insignificant to control the election before the people of so great, dignified, and august a body as the United States Senate. [Applause on the Republican side.]

Why, Mr. Speaker, we are all officers of the United States Government. Our qualifications are prescribed by the same Constitution. Under this amendment we shall be elected by the same electors. Our duties are the same, and we both stand at the legislative bar of the country and take the same oath of office, the same oath of allegiance to the Government of the United States. Yet, for some covert and undisclosed purpose, you propose for the first time to destroy absolutely your own dignity and equality before the law and to place the United States Senate in a position of greater power and authority. [Applause on the Republican side.]

The exercise of the power of Federal supervision over the election of both Members of the House and the Senate is vitally important to the preservation of the integrity of the Government.

The necessity for such supervision was one of the primary reasons for the adoption of the Constitution of the United States. The preamble to that Constitution declares—

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The first declaration of the purpose for forming a constitution was in order "to form a more perfect union."



The Union existing under the Articles of Confederation was fatally defective, because there existed no power therein to compel the States to send Representatives to the Congress.

The States failed or refused to send Representatives, and thereby so emasculated that body as to render it incompetent to perform the responsible functions of government, and for that reason section 4 of Article I of the Constitution provided that the times, places, and manner of holding election for Senators and Representatives shall be prescribed in each State by the legislators thereof, that the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

The power to compel the States to send their representatives, both in the House and in the Senate, to create a Federal legislative body is one, therefore, of primary importance.

This power has been exercised by the Federal Government, not, it is true, to compel them to send Representatives, because no State, except during the War of the Rebellion, has ever refused to perform that function.

Congress has at various times, however, exercised the power conferred upon it by this section as concerns both the election of the Members of the House and Senate.

The first exercise by Congress of the power conferred by this section was in 1842. To remedy the evil which arose from the different methods adopted in the various States for the election of Members of the House of Representatives an act was passed requiring that each Member of the House should be elected by a separate district composed of contiguous territory, some of the States having elected their representation by a general ballot—that is, by permitting each elector to vote for as many names as there were Representatives—which worked an injustice to other States which did not adopt that system.

To remedy the evil arising from the election of Members of Congress at various times in the different States, Congress, in 1872, placed upon the statute books a law requiring the election of all such Members to be held on the Tuesday following the first Monday in November in the year 1873 and on the same day of every second year thereafter.

Congress has likewise exercised this power with respect to the time and manner of electing Senators of the United States. Section 14 of the Revised Statutes was designed to provide uniformity in the time of electing United States Senators by requiring the legislature of each State chosen next preceding the expiration of the term of any Senator to choose his successor on the second Tuesday after its meeting and organization.

Section 15 of the Revised Statutes was intended to overcome the frequent failure of the legislatures of the States to elect Senators at the proper time by one branch of the legislature voting for one person and the other branch for another person by compelling the two bodies to meet in joint convention, fixing the day when this should be done and requiring them to meet every day thereafter until a Senator was elected.

That this power has not been more frequently used is due to the fact that the several States conscious of its existence have by consistent and uniform action complied with the spirit of the Constitution without the necessity of Federal action.

The resolution of amendment adopted by this House, and which is now being so earnestly advocated by the Democratic majority, provides for the relinquishment of this vital and necessary Federal control over the election of United States Senators and to return the same to the people of the United States to be exercised wholly as they may determine, free from the supervision of the Federal Government.

This, Mr. Speaker, is an insidious and dangerous attack upon the vitality of the Federal Constitution. The central idea of that instrument, as conceived and constructed by the philosophic statesmen who made it, was that of a complete Federal organism, having within itself perfect powers of organization and of perpetuation—its three coordinated departments under its own complete dominion and each exercising its own functions with entire immunity from State interference. It was to be a national autonomy, a complete sovereignty, and the essential prerogative of sovereignty is undisputed and undivided power over its own instrumentalities.

This amendment means the overthrow of this scheme. It removes from Federal control an indivisible half of the legislative organism of the Government. It is no longer to be a sovereign power capable of complete independence, controlling its own instrumentalities by the laws of its own creation; but hereafter its laws are to be made partly by the ambassadors of individual States over whose election it can exercise no control and whose local and peculiar interests may be adverse to the general interest of the whole country, which the United States Congress was created to protect.

Mr. Speaker, this work we are doing to-day—this off day—which we are filling in by amending the Constitution, may become historic. We are putting the ax to the root of our institutions. We are in the most casual and indifferent manner touching sacred things. Cut out one of the functional parts of a vital organism and the whole may speedily die. I see in this sectional attempt to strike down Federal power grave danger—irremediable mischief.

But, Mr. Speaker, I do not believe the American people will consent to it. I believe they will be wiser than we are. I believe they love our great Constitution more than we do, and I believe they will reject the amendment. They will see in this attempt what we now ignore. They will understand that those who advocate this measure, who openly declare that they will prevent the amendment providing for the direct election of United States Senators being submitted to the States unless it is coupled with this revolutionary condition—I say the people will understand that those advocates have some dangerous ulterior object in view—that they design to obtain a power for their States which the Constitution of our fathers denied them.

The reasons for this are not difficult to discover. One section of this country is still arrayed against the other politically. In the great civil conflict of 50 years ago they were defeated. They are now in power in this House. This demand comes chiefly from that section. It is seeking the same power now that was denied it then—the power of the State to control the Nation for its own end untrammelled by Federal supervision. The attempt now is more insidious, but none the less dangerous. A constitutional amendment has not the terror of a conflict of arms, but it may be found more destructive.

This resolution of submission will pass the House in the unamended form in the face of the great Democratic majority against us; we can not prevent it. But I repeat, I have still unbounded confidence in the people of the country. I believe when submitted to them they will absolutely reject it; that they will not purchase the power to elect their Senators by a direct vote at the price of relinquishment of the Federal control over these elections; that they will hold responsible at the polls the party that thus seeks to entrap them. I believe they will say to this Congress: If you are unwilling or unable to exercise the powers conferred upon you by the Constitution to discharge the full measure of the duties you were elected and sworn to discharge and which has always been discharged by your predecessors, instead of going to the States and pleading to be relieved of your responsibilities by taking away from you these powers, resign your positions, and we will send other men who can and will uphold the Constitution, preserve the Government as it was given to us by our fathers, and maintain the supremacy of our great Nation not only against the other nations of the world, but against its enemies at home as well.

Mr. RUCKER of Missouri. I yield to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, it ought not to be necessary, after the prolonged discussion that was had here and in the Senate of this proposed amendment, to restate certain propositions. And yet the debate that has taken place to-day makes the restatement necessary.

Bear in mind that it is not, in any true and practical sense, accurate to say that in proposing simply an amendment to the Constitution as to the manner of electing Senators of the United States you do not affect the power of the Federal Government over such elections. No man can here state—I will give such little time as I have to any man who can state—any practical way that the Federal Government now has of controlling the election of United States Senators.

Mr. MOON of Pennsylvania. Will the gentleman permit me?

Mr. SHERLEY. The gentleman would not yield to me, but I will yield to him.

Mr. MOON of Pennsylvania. I can tell the gentleman how it has exercised that control very potentially and very necessarily.

Mr. SHERLEY. State how and where.

Mr. MOON of Pennsylvania. In compelling the two houses to meet jointly for the election of a United States Senator, thereby preventing what might frequently occur, the two houses voting separately for different men and never reaching a conclusion.

Mr. SHERLEY. The gentleman has stated one case where Congress provided as to how the legislature shall ballot, and to that extent my statement may seem too broad, but the gentleman would have to admit that there is no power now in the Federal Government to control the election of Senators in the same sense that the power exists to control the election of Representatives. While the language is the same, the practical



power is different. Under the power to regulate the manner of holding an election for Representatives, Congress, while unable to prescribe the qualifications of voters, can give to the Federal Government complete control, as it actually did during the reconstruction period; but while Congress can now determine the manner by which members of the legislature of a State shall elect a Senator, it can not control the manner by which those members of a State legislature shall be chosen. As the Constitution now reads, Congress has power over but one of the two steps in the election of Senators. Now, by providing for the direct election of Senators you eliminate this step, leaving only one, and to that transfer the power that now relates only to the second. The result is that this House and the country in considering this amendment is confronted with this proposition: Shall you, by changing the method of electing Senators in Congress, enlarge the power of the Federal Government, or shall you narrow the power? That is the practical question.

The Bristow amendment enlarges the power. The adoption of the House provision narrows the power. I am going to be perfectly frank; it does not leave it in the same condition; it does legally narrow it, although, in my judgment, it does not narrow it in any practical way. Neither is it so, as implied by speeches of gentlemen on that side of the House, that the Federal Government has by the Constitution the same power to control all of the agencies necessary to its own existence. If gentlemen will read the provision referring to the election of President and Vice President, they will find that the power there conferred was originally limited to the "time" and did not extend to the "manner." And yet the gentleman from Pennsylvania would use the strong word "treason" because we say a different rule should apply to the power of the Federal Government over the election of Senators to that over the election of Representatives.

Mr. MOON of Pennsylvania. Will the gentleman yield?

Mr. SHERLEY. Yes; I will yield to the gentleman.

Mr. MOON of Pennsylvania. The gentleman does not pretend to say that the Constitution does not exercise a protective power over the election of President and Vice President?

Mr. SHERLEY. I mean to say that the Constitution of the United States does not confer upon Congress anything like as broad power over the selection of electors as it does over the election of Representatives.

Mr. MOON of Pennsylvania. Does it not prescribe the time and manner and place of holding the election?

Mr. SHERLEY. I will read what the Constitution says. The third paragraph of the first section of the second article is: "The Congress may determine the time of choosing electors."

It does not refer to the place and manner.

Mr. MOON of Pennsylvania. Read the twelfth amendment.

Mr. SHERLEY. Yes; I will. It reads:

The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves.

Mr. MOON of Pennsylvania (interrupting). The amendment goes on to tell how the election shall be held and declares the time, the place, and the manner of holding that election.

Mr. SHERLEY. That is true; but the gentleman can not show any warrant for an assertion that the Federal Government has control over the selection of presidential electors by the State in the sense that they have over the selection of a Representative.

Mr. MOON of Pennsylvania. Oh, no—

Mr. SHERLEY. The gentleman from Pennsylvania says, "Oh, no," and that is the vital matter. It is the power to determine the manner in which such electors are chosen which is fundamental, and Congress has not the power in that regard that it now possesses over elections of Representatives.

Mr. MOON of Pennsylvania. The Constitution prescribes the time, manner, and place of controlling the electors for Members, the electors for Senators, the electors for Vice President, but the people happen to be the electors of Representatives. The legislatures of the various States are the electors of Senators, and the constitutional electors are the electors of the President and Vice President.

Mr. SHERLEY. The Constitution of the United States does not, in my judgment, give to the Federal Government the power as to the choosing of electors that it does over the choosing of Representatives. The power is not the same. The power as to the Federal Government over the election of Senators now is not the same as exists over the election of Representatives. Now, it is true that the Supreme Court held that the power over an election of Representatives was a power sufficient to enable the Federal Government to practically take charge of the election of Representatives.

In my humble judgment that power was never contemplated by the makers of the Constitution, but that is no longer a ma-

terial question, because the Supreme Court declared the power was there. But there never has been and can not be under the Constitution as it now exists the power over Senators that now exists over Representatives. Some of us are not willing to give that power. We do not believe that the danger of the Federal Government failing through the States failing to elect Senators is nearly so great or potential as is the danger of an abuse of power in the election of Senators, if the Federal Government was given that power now. [Applause on the Democratic side.] Whatever fear there was in the beginning of this Government that the Government would not exist by reason of the failure of its component parts to provide for the election of Members of Congress has passed away. There is no man who seriously believes that we are in any danger of the Senate disappearing as a body by reason of the failure of the States to elect Senators. If we really believed that, you would have been willing to accept the suggestion I made on this floor, and the suggestion that was made in the other body, that the amendment be limited to those cases where the States refused to act. But gentlemen contend that this power must be given.

The Federal Constitution is a compromise between the believers in a National Government and the believers in a Federal Government. Running all through that instrument are these two ideas. Those who believed in a central government, where the States should be merged into it, had to concede their extreme position, just as the State rights men, who did not believe in the Federal Government having any power to exist except at the volition of the States, had to give up some of their contentions. Out of those concessions came the Constitution. The very provision that a Senator shall represent a State is an evidence of that compromise, and in representing a State he does not represent the people in the sense that a Representative does. The provision as to Representatives is distinctly national, that as to Senators distinctly Federal. Every Representative here is here because of the number of people in his district. Every Senator in that body is there irrespective of the number of the people within the State that he represents. [Applause.] He stands as an ambassador, and I repeat what I said before, as an ambassador of the State in its sovereign capacity.

How childish is it to say that the people of a State can not be trusted to send their representatives to the Senate of the United States, to a body that has power in some respects greater than either the Executive or the House of Representatives. It can do with the Executive what the House can not do. It can do, with the House acting with it, what the Executive and the House can not do.

I deny that the States will ever fail to elect Members to this great body, and I do not believe supervision by the Federal Government is either necessary or, in the broad sense gentleman urge it, desirable. I say to you that when history is written without passion, when the events of the days when our country was rent in twain have faded into enough distance to judge of that period impartially and without regard to section, it will not be found that the intervention of the Federal Government in the election of Representatives helped in the long, true course of history toward the preservation of purity of elections or of the real rights of the States and of the people. [Applause.] I do not believe that we can afford now to enlarge this power of the Federal Government. If it were possible to keep the power as it now is I would say yes; and why will not gentlemen on that side be fair? Why constantly undertake to give the impression that it is possible to leave the control of the Federal Government the same? Will the gentleman from Pennsylvania [Mr. Moon] state that in his judgment as a lawyer he believes that the adoption of the Bristow amendment would not serve in a practical sense to enlarge the power of the Federal Government over the election of Senators?

Mr. MOON of Pennsylvania. If the gentleman would permit—

The SPEAKER. Does the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MOON of Pennsylvania. I would say, if the gentleman would permit me and I had the time to discuss the proposition in his time, that I would engage to demonstrate with mathematical accuracy that it would do just that thing.

Mr. SHERLEY. All I can say in answer to the gentleman is that he occupies the unique distinction, so far, of being the only gentleman who has been willing to maintain that position. The debates in each body of Congress have not shown anyone else possessed of such a judgment as to power.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. OLMSTED. I would like to ask the gentleman whether he does not believe that the prohibition of campaign contribu-



tions by corporations to the election of Representatives tends to purity of elections?

Mr. SHERLEY. I do.

Mr. OLMSTED. Then do not you believe that the same prohibition applied to the election of Senators when they are elected by the people would further tend to purify the elections?

Mr. SHERLEY. I do.

Mr. OLMSTED. Then why do you not join with us in concurring in this amendment, which would leave the power in Congress?

Mr. SHERLEY. For this reason: Because the giving of the power that the gentleman wants would not simply rest in giving to the Federal Government the power to prevent corporate campaign contributions. The gentleman is wise enough to know that in this life you can not segregate things in that way—

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Missouri. I yield five minutes additional to the gentleman.

Mr. SHERLEY. It is because I believe that it is more important to preserve, having some knowledge of the history of my country and of the conditions that confront all sections of it, the absolute control of the States in the election of their Senators than it is simply to give the Federal Government power to pass a law as to campaign contributions that I do not agree with the position occupied by the gentleman. This is my answer to the assumption of the gentleman that the power of Congress to protect elections at which Federal officers are chosen rests only on section 4 of Article I.

Mr. JACKSON. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. JACKSON. Does the gentleman think it is dangerous to increase the power of the people over the Federal officers of the Government?

Mr. SHERLEY. I do not. But I have not so much fear of the people of the respective States that I fear any danger to the National Government through the exercise of their rights to choose Senators of the United States. [Applause on the Democratic side.] I have more faith in the people of Kansas than to believe that.

Mr. JACKSON. The people of Kansas did choose their own Senators contrary to many of the Southern States, and the man who offered this amendment in the United States Senate was elected by the people of his State, and yet the man who comes here and charges that he is not in favor of this amendment must know—

Mr. SHERLEY. Oh, I have not charged anything of the kind. The gentleman was either unable to hear me or to understand me.

Mr. JACKSON. I was not charging the gentleman—

Mr. SHERLEY. I simply stated—

The SPEAKER. The gentleman from Kentucky refuses to yield.

Mr. SHERLEY (continuing). I stated I had enough faith in the people of Kansas to believe their having exclusive power over the election of Senators from that State would not imperil the Nation. If the gentleman draws the other inference from it he is welcome to it.

Mr. JACKSON. I regret there is a difference between Kansas and other States in the Union—

Mr. SHERLEY. Oh, well, I congratulate myself that my belief in the patriotism of the people of America is not confined to sections. [Applause on the Democratic side.] I trace my ancestry through those who stood on opposite sides when this country was divided in the great conflict. I, for one, thank God those days are far back, and I do not believe there is anything in the history of the Southland since those days that warrants the aspersions which the gentleman undertakes to cast upon those people and my people. [Applause on the Democratic side.]

Mr. JACKSON. Did not the gentleman state in the main debate on this question that he wanted this amendment, or wanted it passed as the House passed it, because if it was not so passed it would be defeated in the Southern States?

Mr. SHERLEY. I stated this: The gentleman from Kansas asked me the question and he asked my opinion. I stated that, in my opinion, in the State of Kentucky it would make no difference, but I was inclined to believe, and I still am, that there was more probability of the amendment being adopted if it went to the States as passed by the House than if it contained what is now known as the Bristow amendment.

Mr. JACKSON. Well, did not that in itself bring sectionalism into the debate?

Mr. SHERLEY. It brings the viewpoint of sections, and there is a vast difference between the viewpoint of sections and

that narrow prejudice that impugns the motives of men because they differ with one another. [Applause on the Democratic side.] It is a distinction that is world-wide.

Now, Mr. Speaker, if the gentleman will permit, the colloquy can hardly add to the solution of this question.

Let me in conclusion say to the House simply this, that the question that you have presented is not one of whether you will leave, as it now exists, the power over the election of Senators, but the question is whether you shall enlarge that power by the Bristow amendment or whether you shall narrow that power. In my judgment, for all practical purposes the power does not exist now. We have presented what we believe is the real reform asked by the people. And let me state one curious fact, that it is those people who are least in sympathy with the reform itself that seem most solicitous over having the Bristow amendment incorporated in it. [Applause on the Democratic side.] And if gentlemen doubt the accuracy of that statement, a review of recorded votes will do much to enlighten them on the subject. So I conclude now, as I concluded before, that those of you who believe sincerely in giving to the people a more direct method over the election of their Senators can well afford to stand, as they stood a while ago, in the position taken by the House. They need not have any fear that the Federal Government's existence is going to be imperiled. The gentleman from Pennsylvania stated that the power, because it existed, would probably not need to be used. I go a step further and say that, if existing, I do not believe it will be used, and if not existing, no need for it will arise. Many men differ with me as to the probability of its use, and I beg of you who really desire to bring about this reform that you do not force those who hold a position more extreme perhaps than mine, but who are sincerely desirous of this reform, from the advocacy of it into an opposition of it. [Applause on the Democratic side.]

Mr. OLMSTED. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I always listen with great pleasure to the gentleman from Kentucky [Mr. SHERLEY]. And yet what is this proposition? It is a proposition to change the method of electing Senators. I voted several times, right or wrong, but following my best judgment and voicing what seemed to me to be public sentiment, to submit to the States an amendment to the Constitution for the election of Senators by direct vote of the people of the respective States.

I voted against the passage of the House joint resolution at this session, not because it proposed to amend the Constitution to elect Senators by direct vote of the people, but for the reason that the joint resolution, in addition to providing for a direct vote, would have changed the Constitution in that provision which enables the Congress of the United States at any time, if the necessity should arise, to make or alter regulations made by the respective States for the election of Representatives and the choosing of Senators.

The Senate amendment to the House joint resolution provides for the election of Senators by a direct vote of the people, but otherwise does not change the Constitution as it now is. The gentleman from Kentucky [Mr. SHERLEY] was not as happy as he usually is when he sought to place the Senate higher than the House by calling the Senators "ambassadors" of their respective States. Nay, nay; they are plain Senators. [Laughter.]

Now, I will not vote for a proposed amendment to the Constitution which places a Senator in his election without the safeguards that surround the election of Representatives. Therefore I am going to vote for this Senate amendment, which will cure what many people believe has grown into an abuse—the control of legislatures in the selection of Senators by improper methods.

The gentleman from Pennsylvania [Mr. OLMSTED] asked a question as to whether it would be in the power of a State—in effect, by throwing the State into districts—to elect Senators by a minority vote in the event the House joint resolution was enacted into law without the Senate amendment. Undoubtedly that might be done. Undoubtedly the respective State legislatures would have this power. And yet gentlemen on that side—Democrats, glorying in "the rule of the people"—propose to place it in the power of a State legislature, by this joint resolution, to enact laws under which practically a minority can choose Senators; and the Congress of the United States would be powerless in the premises if the joint resolution is enacted without amendment and should be agreed to and ratified by the States.

A law has been—or will be—enacted for publicity of campaign expenses. Such a law, if the Constitution should be amended as this House joint resolution proposes, would compel publicity of campaign expenses of candidates for Representa-



tives, but would not apply to senatorial "ambassadors." [Laughter.]

Mr. MOON of Pennsylvania. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. CANNON. With pleasure.

Mr. MOON of Pennsylvania. I would like to hear the gentleman discuss a feature of this subject which I think is of great importance, and which I did not get the opportunity to touch upon. The gentleman will observe that there is one very vital distinction between the original and the language that is left in. That feature does not seem to have been referred to at all in the discussion. The existing provision of the Constitution is:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

Now, the portion that they leave in they change vitally. They say:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

I wish the gentleman would discuss that feature.

Mr. CANNON. Precisely. The Congress can prescribe the manner of the election of Representatives under the Constitution as it is and under the Constitution as it would be in the event the Senate amendment is agreed to and ratified; but in the event the Senate amendment is not agreed to and ratified the Congress will be powerless to change the regulations in any State as to the election of Senators. For one, I shall not approve, by speech or vote, such a provision.

I want to say to gentlemen from the South, we had an unfortunate contest between the majority and the minority, leading to the great Civil War. Prejudice passed away from me long, long ago. You say there is no danger in the future. God knows. I trust there is no danger. Some people believe that if danger should come in the future it would not come from the Southland. Many so believe. Oh, I would to God that the successors of the men in the main who made that great contest from the Southland would recognize, as they practically do, the results of the great contest and would legislate in the present and in the future without harking back to the graveyard and conjuring up ghosts and then running from the ghosts.

I do not believe there would be the slightest objection on that side to the Senate amendment except as it might be made by you who failed in that great contest, for those who fail are always last to forgive and forget. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I would like just one more minute.

Mr. OLMSTED. Mr. Speaker, I yield five minutes more to the gentleman.

The SPEAKER. The gentleman from Illinois is recognized for five minutes more.

Mr. CANNON. I shall not need that much time.

If you had forgotten, as we have forgotten—we who constituted the majority in that contest—this joint resolution as passed by the House, in my judgment, never would have been passed in its present shape, and the Senate amendment would not now be opposed.

Now, my friend from Kentucky, always candid, says that, true, under the Constitution Congress may in certain cases regulate the election of Senators. Yes; he acknowledges it.

Mr. SHERLEY. Will the gentleman permit?

Mr. CANNON. Yes.

Mr. SHERLEY. I said I would simply state this, that there is no practical way in which they can do it now.

Mr. CANNON. Precisely. There is no practical way, the gentleman says, and there is no practical way now by which the people can elect Senators by direct vote. I will not split hairs with the gentleman. If there is no way that the same law and the same power should reside in the American Congress, touching the election of Senators as well as Representatives, I am here to help provide a way. [Applause on the Republican side.] I would not, to secure this joint resolution, make legislation that would apply to this body in the election of its Members and would not apply to the Senate in the election of its Members.

We are trying to correct that real or supposed abuse by a direct vote of the people; and yet you say "Nay; nay; we do not want that direct vote of the people to give the people the same power as to Senators that they have as to Representatives."

Great God! if a man is competent to vote for the election of a Representative, is he not competent to vote for the election of a Senator?

Mr. COOPER. Will the gentleman permit a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. CANNON. Oh, certainly.

Mr. COOPER. I am much interested in what the gentleman said on the question of an ambassador from a State. Now, in the case of the late Galusha A. Grow, who was a Representative at large from the State of Pennsylvania, all the people of the State having voted for him, the Congress of the United States could have passed a law regulating his election, could it?

Mr. CANNON. Absolutely.

Mr. COOPER. He would have been just as much an ambassador, would he not, so far as the State of Pennsylvania was concerned?

Mr. CANNON. Oh, yes; in substance.

Mr. SHERLEY. Will the gentleman from Illinois yield?

Mr. CANNON. I always yield to the gentleman.

Mr. SHERLEY. I want to suggest that the exception to a rule is hardly the test of a rule.

Mr. CANNON. You know our power is pretty considerable under the Constitution as it is; not greater than it ought to be in the main. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has again expired.

Mr. RUCKER of Missouri. I yield to the gentleman from Mississippi [Mr. Sisson].

Mr. SISSON. Mr. Speaker, when I addressed the House before on this amendment I called attention to the fact that the power to elect Senators is now in the State legislatures, and if section 4 of Article I remains as it is, it does extend the power of Congress to the electorate.

This extension of the power of Congress over the voter of the State is too dangerous. That power now only extends to the election of Members of the House.

In the very fact that Congress can, if it deems proper, regulate and control the elections to the lower House of Congress and can not now control elections as to the other branch lies the real reason why Congress has not passed general election laws for the control of all Federal elections.

If now they passed a law prescribing the manner in which Congress should be elected and providing for Federal officers to hold these elections and determine who should vote in such elections, they could only control the election of Congressmen, because under Article I, section 4, of the Constitution, as it now is, the power of Congress only gets as far as the State legislature, but if we change the Constitution and put the power to elect Senators in the hands of the people, where it belongs, then the power of Congress to control elections of both branches of Congress will add tenfold to the desire to pass Federal election laws.

The people should control the Federal Government and not the Federal Government the people. The people of the States, so says the Constitution in Article X, are the source of all power. They can always be trusted. The Federal Government should reflect their sovereign will and not the people the will of Congress. Congress should ever be under the control of the people and not the people under the control of Congress.

No Federal election law should ever be passed. Mr. Madison and Mr. Hamilton, when the States were asked to ratify the present Constitution, assured the people of all the States that no such laws would ever be enacted by Congress. If the States had believed that the power would ever have been exercised there never would have been States to ratify the instrument.

No man who can trust his own constituents and the people of his own State can ever consent to extend the power of the Federal Government over elections. In God's name, as we love our liberty and freedom, let us guard at least one branch of our Congress from the possibility of Federal control.

I believe in placing all the officers of the Government as close as possible to the people who elect them. The power to determine who shall and who shall not vote is the sovereign power. If Congress can determine the manner of holding elections it can pass election laws, appoint the officers to hold the elections, prescribe the qualifications of voters, and say who shall or who shall not vote, and who shall or who shall not hold office, and finally become the supreme power in all elections, thus transferring the power of control from the people to the Federal Government. God forbid that such an evil day should ever come.

A complete guaranty that no Federal election laws will ever be passed is to adopt this amendment as it originally passed the House. A guaranty that Federal election laws will be passed will be to pass the Bristow amendment.

Mr. Speaker, it is indeed surprising that some of our friends on the other side of the Chamber should, with such zeal, oppose the Rucker amendment. They are very careless with the facts of history.



A moment ago this colloquy occurred:

Mr. RUCKER of Missouri. Mr. Speaker, I presume it is in the gentleman's mind, having stated that it was that portion of the proposed amendment to which he objects, to tell the House why he objects to it, and I would like to know.

Mr. OLMSTED. Mr. Speaker, I shall proceed to do so, and I hope to make my objection clear.

Mr. KENDALL. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. KENDALL. If the Bristow amendment, which is now before the House for action, shall be adopted, the Constitution will remain the same, except that Senators will be directly elected by the people.

Mr. OLMSTED. That will be the only change.

Mr. KENDALL. And if the Bristow amendment is rejected, as proposed by the gentleman from Missouri, and the House resolution should be enacted into law, the Congress of the United States would surrender all authority over the election of Senators?

Mr. OLMSTED. Mr. Speaker, as another gentleman was speaking to me at the moment, I did not understand the gentleman's question.

Mr. KENDALL. If the resolution as it passed the House should be finally enacted into law, it would amount to a surrender on the part of Congress of any authority over the election of Senators?

Mr. OLMSTED. It would indeed; and it is very questionable whether it would not so emasculate section 4 as to make it inoperative and ineffectual for any purpose.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. LONGWORTH. I understood the gentleman to say that the proposition for the election of Senators by the people has passed the House at different times.

Mr. OLMSTED. Yes.

Mr. LONGWORTH. Has it ever passed the House with the amendment proposed in this House resolution—amending section 4?

Mr. OLMSTED. It never has to my knowledge—never. The demand for the change of that section sprung up only after the recent elections had changed the political complexion of this House.

Mr. KENDALL. Has that amendment ever been proposed in all the numerous times that the subject has been under discussion in the House until now?

Mr. OLMSTED. It never has.

This colloquy is a nice frame up on its face, but it is not in accordance with the facts.

My friend Mr. GOODWIN, of Arkansas, called my attention, and that of several other Members of the House, after this colloquy ended, to the fact that all of these gentlemen were entirely mistaken, and but for Mr. GOODWIN's attention and alertness it would not have been corrected in this discussion. The entire credit for the facts, as I now state them, is due to Mr. GOODWIN, who did not want the RECORD to go to the country without stating the facts.

Mr. KENDALL and Mr. LONGWORTH, in this colloquy, both were in error, and led the distinguished lawyer, Mr. OLMSTED, into the same error when they asked him if at any time an amendment had been proposed in all the numerous times that the subject had been under discussion in this House until now similar to the Rucker amendment, and Mr. OLMSTED replied positively that "it never has."

These gentlemen also leave the impression that this amendment is one never before discussed on the floor of this House. But such is not the fact. The zeal of these gentlemen led them into this error.

This very resolution has several times passed this House, word for word and letter for letter, as it passed a few weeks ago. This identical resolution was introduced in the Fifty-second Congress by the Hon. Henry St. George Tucker, of Virginia, and after quite a discussion was passed without a single dissenting vote, so far as the RECORD shows.

This resolution failed to pass the Senate. The same resolution was introduced in the Fifty-third Congress by Mr. Tucker, of Virginia, and passed by a vote of 141 yeas and 50 nays.

The first time this resolution passed all the Republicans voted for it, or, to be more accurate, not a Republican voted against it. The second time it passed, in the Fifty-third Congress, such Republicans as the late Speaker Henderson and Mr. Hepburn, both of Iowa, voted for it, and the Hon. H. A. COOPER, of Wisconsin, and Dr. BARTHOLOMEW, of Missouri, also voted for it. These distinguished Republicans admitted that the resolution, identical with the one introduced and passed by this House, was a perfectly proper one.

Every intelligent vote cast against this measure and for the Bristow amendment is by a man who does not want the Senators elected by the people, and he wants it passed so that it will not be ratified by the States. Those followers and unintelligent Members who vote against it and for the Bristow amendment do not really appreciate how they are insulting their constituents at home and the people of their States and do not have perception enough to see the real change in the power now vested in Congress.

So, Mr. Speaker, we must conclude that every man who votes for the Bristow amendment is really against the election of Senators by direct vote of the people, because the great and patriotic Republicans of the Fifty-second and Fifty-third Congresses voted for the identical resolution which is now before the House.

This resolution is the one which has been most discussed before the people, because at the time it was being discussed in Congress the Populist Party was pressing it and made it a great national issue at that time.

Now, Mr. Speaker, the statement of the gentleman from Iowa [Mr. KENDALL], in his question to the gentleman from Pennsylvania [Mr. OLMSTED], that to pass the Bristow amendment will leave the Constitution just as it is, except that Senators will be directly elected by the people, and the answer by Mr. OLMSTED, "That will be the only change," are also erroneous. These distinguished gentlemen are doubtless sincere in their position, but a careful examination into the question will convince them that they are in error.

If section 4 of Article I is left as it is and section 3 should be changed by amendment, placing the power to elect Senators in the people of the States instead of the legislatures of the States, it certainly extends the power, under section 4 of Article I, to the people who vote for Senators; whereas as it now is this power can only extend to the State legislature. So that a Federal election law passed by Congress now could not affect the manner in which a State will choose its own legislature. After that legislature is chosen then Congress can say in what manner that legislature must elect Senators. But this power in nowise affects the manner in which the people of the State have elected its own legislature or who had the right to vote or no right to vote in such State election. The people of the States are thus beyond the reach of Congress in senatorial elections, as the Constitution now is, but if the people vote directly for Senators, then the power which elects is the people of the State, and section 4 of Article I would apply to that power and thus enable Congress to control the State electorate in senatorial elections, which it can not now do. This is perfectly obvious, and the Democratic objection to the Bristow amendment is not foolish, sectional, or partisan.

Now, Mr. Speaker, to summarize the case, let me say that I believe that no great reform in our legislation will ever be effected until we get Senators elected by a direct vote of the people of the States.

The greatest indictment against our present form of government is the corruption of our legislatures in senatorial elections. Within recent years every allegation in this indictment has been proven. We must not imagine that the verdict of the people is in doubt. It is made up. But we must not now trifle with the people. Let us not betray them by submitting an amendment which we know they will not and ought not to adopt.

We can trust the people of these States. They should have the right to send whom they choose to represent them in the Senate. They should not be supervised by their servants, whom they send here. A Senator is and ought to be a servant of the people of the State and of the whole State. He should not in any manner have the right to prescribe the manner of his own election. This should be left to his masters, the people of the State. The servant should never be permitted to get beyond the reach of the master. The people should always be permitted to control their servants and the manner of choosing them. The Senator is the ambassador of the people of the State, and they should determine in what manner they shall choose him. It should never be in the power of the ambassadors to prescribe the manner in which they shall be chosen. Leave that to the wisdom of the people of the States.

Great and powerful influence can be used more effectively upon Congress than upon the people of the States.

You Republicans have been so recently repudiated at the polls that you fear the people.

Good governments have never been destroyed by the people, but by those who fear them. Bad governments should be destroyed by them. No government should ever be organized so that when it is bad that with its army and navy it is stronger than the majority of the people. The people should never consent in their organic laws that their servants be vested with a power which, when abused, they can not destroy with their ballots. Therefore any control of the people's ballot by our Federal Government, which controls the Army and the Navy, should never be permitted. Let ballots and not bayonets control. Ballots should always be out of the reach of the bayonets.

Gentlemen of the House, as you love the institutions of your fathers, do not extend the Federal control of the election of Senators so far that that control shall reach the sovereign voter of the State. You can not reach him now in senatorial elections, and he will resent it if you undertake to do so.

The Bristow amendment, if adopted here and in the States, will reach him. You may adopt it here, but the States will not do so unless the people thereof shall say, We can not trust our-



selves; we are unworthy; local self-government is impossible; we must have Congress to rule us and tell us who may and may not vote; we can not hold fair elections; we are too dishonest and too weak; we want the strong arm of the Federal Government made stronger, so that it will make us do right; the Declaration of Independence is a lie; local self-government is a failure; Article IX and Article X should never have been placed in our Constitution; government by the people is a failure; we want all power vested in Congressmen and Senators; they are wiser than we; we know not what we need; we are dishonest and can be bought; they are honest and can not be bought.

Gentlemen of the House, do you really think the people will ever say this? Do you not know that the people are aroused and will not thus be trifled with? You can not longer play upon their prejudices and passions. You can no longer make progress in the South, East, West, or North with the old "bloody shirt." Our people have a common destiny. The people of every section of our great Republic are ready to scourge from public life forever that man who would attempt to reopen the healed and healing wounds of the past.

Now, Mr. Speaker, coming as I do from that section of the country which has just been referred to by gentlemen on the other side; born, as I was, after the great conflict was over; taught to love this Government, taught to honor and respect my flag, I regret that any word should have been said on the floor of this House during this debate on this question affecting, as it does, the people of Maine, no less than the people of California, the people of Washington, no less than the people of Florida; affecting, indeed, the sovereign citizen in one section as vitally as in another. I had hoped that at this hour in the glory of this great country of ours we of the South might be permitted to speak our honest sentiments without having hurled in our faces the fact that our fathers differed as to great questions.

Is it possible that in these discussions in the future they will rake up the old embers? I trust not; because this amendment which we are presenting to you to-day did not originate with the gentleman from Missouri [Mr. RUCKER], who has charge of it, but this was the work of the brain of the great Democratic statesman from Virginia, Mr. Tucker, and was introduced by a great and patriotic Republican Senator at the last session of Congress who hails from a State bordering upon Canada, a young gentleman who stands to-day as one of the leaders of this age, a man who rises above section, a man who looks at the question squarely and impartially; this same amendment was presented to the Republican Senate by this Republican Senator, and this amendment that the Democrats are supporting here is word for word and letter for letter as it was introduced by this Republican Senator. [Applause on the Democratic side.] Therefore you can not accuse this side of the House of acting in any partisan spirit.

I want to say that I fear more the concentration of power here in the city of Washington than I do the exercise of power by the people in their respective States. I have an abiding faith and confidence in the people of Maine, New Hampshire, Vermont, Pennsylvania, and other States. I believe they will be able to take care of the situation. The time has passed when there can be any fear of a lack of representation in either branch of this body. The time has passed when anyone believes there will be a failure to elect, which was the fear confronting the fathers of the Republic.

Now, one gentleman on the other side of the House, the gentleman from Michigan [Mr. YOUNG], referred to the fact that the power of the corporations and the great interests of this country would be exercised, or might be exercised in the election of Senators. I say to him that if that be true, I would infinitely rather trust the sovereign people of these States than to trust the laws that might be made in this body regulating the election of United States Senators.

Gentlemen, I know—and I would not refer to it but from the fact that others have—I trust that no State in this Union will ever again be called upon to drink to its dregs the bitter cup of Federal control of elections. [Applause on the Democratic side.] I sincerely trust that that fear is, as our distinguished Representative from Illinois had to say a moment ago, a mere ghost. May God forever deliver the people from that criminal ordeal through which we had to go when our old Mississippi capital was a saturnalia of crime, and when bonds were issued for public works that never were built and the people loaded down heavily with taxation because laws were made, not by the people of the State, but made here in Congress. [Applause on the Democratic side.]

I trust the hour will never come when the people of Maine, Washington, Illinois, or any other State in the Union will be governed from the city of Washington. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. Mr. Speaker, the election of United States Senators by direct vote of the people has been a long-cherished hope of a majority of our well-informed citizenship.

The framers of the Constitution, having in mind both the expression of the popular will and the preservation of the sovereign States, provided in that instrument for Members of the House of Representatives to be elected by the direct vote of the people, while Senators were elected by the legislatures of the several States.

Article I of the Constitution of the United States provides:

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote. \* \* \* And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators. \* \* \*

This resolution as it originally passed the House, April 13, 1911, provided for an amendment to the Constitution, as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

This amendment was in lieu of the first paragraph of section 3, Article I, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4, Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators.

The Senate amendment to this resolution which is now under discussion, and upon which we will soon vote, strikes out the provision that "the times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof," and places it in the power of the Congress to prescribe the time, manner, and places of holding elections for United States Senators.

To adopt this amendment would be to place in the power of the National Congress an absolute control of the elections held by the people of the various States in selecting United States Senators; a power that might be used despotically and in a manner subversive of liberty, preventing a fair expression of the people in the election of Senators.

Under the Constitution, the Congress has such power in regulating the elections of Senators and Representatives, but such control of the senatorial elections is adequately guarded, Senators being elected not by the people but by the State legislatures.

The popular idea that the Senate has, by reason of the manner of its election, been less responsive to the public will than was expected of it has occasioned a general demand all over the country that Senators should be elected directly by the people.

I most heartily favor this resolution; but I am unalterably opposed to the Senate amendment, which refuses to allow each State, by its legislature, to prescribe the time, place, and manner of holding an election for Senator without the power of Federal supervision. The abuse of elections by congressional authority, and the ever impending threat of interference with State elections of Members of Congress, should be a sufficient warning to every patriotic citizen, and should inspire this Congress to vigorously defend the right of the people in each State to manage their local affairs.

If the resolution without this amendment should become the law, our purpose would be accomplished; United States Senators would be elected by direct vote of the people, under regulations prescribed by each State, and at the same time the integrity and efficiency of the Congress would neither be impeached nor impaired.



Our danger lies not in the liberty of the people, but in restricting that liberty. If the means of despotic interference with the sacred right of elections is made possible by the terms of our organic law, no one is wise enough to foretell where nor by what means the despotic power will be exercised. The interest of any one State is the interest of all; and a power inimical to one is a threat to each.

Mr. Speaker, it is as unfortunate as it is unjust that gentlemen favoring the Senate amendment, evidently desiring to force Federal control over elections, should endeavor to drag into this debate the animosities of sectional differences long since past. The war has been over for nearly half a century, and the issues that grew out of it have no bearing upon the question now before Congress save to awaken a rational caution against unduly investing the National Government with supervisory power over the political affairs of the States. It is, however, remarkable that those who adopt such questionable argument are the Members who seem to be opposed to this reform, and are really not in favor of the election of United States Senators by direct vote of the people. That school of politicians are always found against any proposition which seeks to put the people closer to the Government. They seem to distrust the people, and to consider that instead of the people controlling the Government the Government should control the people, a theory that is contrary to the genius of the Republic. It is painful to observe Members who have grown gray in the service exert themselves with all their might to make this a sectional issue. The principle we contend for is not sectional; it is national. Democrats from all the States—North, South, East, and West—recognize the importance of trusting the power of elections to the intelligence and patriotism of the citizens of each State, realizing that the expressed and implied powers of the National Government are fully adequate to protect its integrity. It is in no danger from any State, but each State may be endangered by it if the rights of local self-government are foolishly surrendered.

Mr. Speaker, there is not a section in all this Union more loyal to the Constitution and the national flag than the Southern States. No section has more Americanism and none possesses greater patriotism. Our forefathers made the Constitution and unfurled the flag, and we are proud of both. The results of a fratricidal war, in which was spilled the best blood of the Republic, have been accepted by our people, and their pledge of loyalty is without qualification. We make no apology and ask none. Neither shame nor hate can be found in the bosom of the South.

The Southern States have never in all their history shown nor felt a disposition to interfere in any degree with the local self-government of any other section or any other State. Since the fires of war were extinguished and the smoke of its devastation has cleared away, the people of the South, instead of cherishing malice and ill will, have devoted themselves to the rebuilding of their homes, the fostering of their industries, and the uplifting of their citizenship, making a history that, were it truly written, would stand more resplendent than the achievements of any people in any country at any time. [Applause.]

In the last 40 years the South, arising from the ashes and desolation of war, has builded a prosperity that proclaims it to-day the most advanced and favored section of the Republic. Her people are in better condition than those of any other section of this Nation. They are not as wealthy as some, but their wealth is more justly distributed. They do not equal some sections in magnificence and display of wealth, but the opportunities are open to all. Freedom waves her pinions over every hamlet, the hum of industry mingles with hosannas, and hope stirs the blood and quickens the noble ambitions of brave, God-fearing people, who are true to their ancestry and love their traditions. We have suffered interference by the National Government with our local elections in time of peace. That day is past. We hope it will never come again. But not for ourselves alone do we uphold this fundamental principle—the right of local self-government. We protest just as firmly against the power of the National Government being exercised adversely to the rights of the people of any other section. [Applause on the Democratic side.] We stand for the people of the States. When they elect a United States Senator, they should do it in their own way. It is safe to have the people the repository of power; it is dangerous to take the power from them and unnecessarily intrust it to a delegated government. Such power in the Federal Government as the supervision of our elections might, under normal conditions, in times of absolute quiet, remain unexercised and do no harm. The danger would come in time of war, when, amid popular dissension, ambitious men, having the reins of government, would

exercise such supervisory power in a manner dangerous to the liberties of the people and the life of the Republic. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Speaker, I have voted on every occasion when this proposition was before the House in favor of electing United States Senators by the direct vote of the people. I have not given as much thought and attention to the Bristow amendment as perhaps I might have done, because I am perfectly frank to say that the Bristow amendment is not a burning issue in my section of the country. Amending the Constitution is a serious work, and one not lightly to be entered upon, and, in search of light to guide one's actions, it sometimes is useful to look up the Record and discover who are for and who are against the pending propositions. An examination of the Record when this matter was before the House will disclose the fact that many of the gentlemen who voted for the Bristow amendment, then offered in substantially the same form by the gentleman from Michigan [Mr. Young] when it was before the House, on the final roll call voted against the election of United States Senators by a direct vote of the people. [Applause on the Democratic side.]

Mr. MADDEN. Is not the gentleman mistaken there? Did not all of the Republicans vote for the amendment and only 15 against the resolution?

Mr. HUGHES of New Jersey. It may be that I have stated it wrong. I will state it over again, that all of the gentlemen who voted against the concurrent resolution, every single one of the gentlemen on your side of the House who finally voted against the concurrent resolution voted in favor of the Young amendment, which is substantially the Bristow amendment.

Mr. MANN. We all voted for it.

Mr. MADDEN. As a matter of fact, did not all of the Republicans vote for the Young amendment?

Mr. HUGHES of New Jersey. That does not alter my statement that every gentleman who voted in favor of the Young amendment voted against the proposition when he finally had it amended to suit himself.

Now, Mr. Speaker, the Record will show that of those voting "no" on the concurrent resolution all of them voted in favor of the Bristow amendment. It has been said by gentlemen on that side of the House that a failure to amend this concurrent resolution as it would be amended by the Bristow amendment might cause its defeat in certain sections of the country. Other gentlemen think that if the amendment prevails it will cause its defeat in certain sections of the country. I am inclined to the belief that perhaps there is more danger that this constitutional amendment will not become effective if the Bristow amendment is added to it. At any rate, as a Democrat who desires this sincerely, interested in the welfare of his party, I would rather the responsibility of defeating this amendment would rise on that side of the House than this. [Applause on Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. OLMSTED. Mr. Speaker, I yield to the gentleman from Iowa [Mr. PROUTY].

Mr. PROUTY. Mr. Speaker, I have been sitting in this and the other Chamber listening to the discussion of this question in silence. I confess that I have been somewhat annoyed by the evasion and dissembling that has been practiced in the discussion of this question. I am one of those persons who believe it is always best to be frank and discuss a question on its merits without evasion.

I confess I have been rather pleased this afternoon to find gentlemen on that side of the House at least becoming candid. [Applause on the Republican side.]

Now, what is the question involved here. It is the same question which has run through the history of this Republic and divided its people. The only difference between that side of the House and this is the difference between them on the question of State rights.

Every man familiar with the history of discussions which have taken place upon this floor during the progress of this country knows that the same question being discussed here to-day is the question that was discussed in these Halls just prior to the Civil War. It was the insistence of the South upon the doctrine of State rights that finally culminated in the Civil War.

There has been a group of States in the South that from the very foundation of this Government have entertained ideas upon the scope and power of the Federal Government at variance with the ideas of a large majority of the people of the United



States, and this fact has made a constant conflict between these people, or, more accurately speaking, between these two ideas, and it seems to crop out in every effort of general legislation.

We are discussing here to-day the very questions that were discussed by Calhoun and Webster years ago. The same arguments are being offered on that side of the House that were offered by Calhoun. Now, gentlemen, I had hoped that that question had been settled and settled forever. I had hoped that that question would never again be the one upon which the fate of great legislation depended; but it is here, and there is no use in trying to disguise it. Let us strip off the mask, gentlemen, and look each other in the eye. You people are afraid that if the Federal Government retains the power to control elections in the South some of your plans will be interfered with.

You must have some plan in mind that you have not revealed because you do not believe, gentlemen, that the people of the United States as a whole are going to pass laws or make regulations that will interfere with a fair and honest election in South Carolina or any other Southern State.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. RUCKER of Missouri. Do you believe if the people of Iowa had the unlimited power to regulate the election of United States Senators that they would unwisely exercise that power?

Mr. PROUTY. No; and therefore we are not afraid that the General Government will interfere with us. Men only fear interference when they are contemplating some wrong. [Applause on the Republican side.]

Mr. RUCKER of Missouri. Did not this proposed amendment as it passed the House a few days ago enlarge the powers of the people?

Mr. PROUTY. No; not as I see it, except as to the election of Senators by the direct vote of the people.

Mr. RUCKER of Missouri. Ah!

Mr. PROUTY. It is not changed because you say "Ah!" That fortunately does not change the Constitution of this interpretation.

Mr. RUCKER of Missouri. I merely expressed regret that one gentleman can not see a thing so obvious to me.

Mr. PROUTY. I hope the gentleman's regrets will not be taken out of my time.

Mr. FINLEY. Mr. Speaker, will the gentleman yield?

Mr. PROUTY. Mr. Speaker, I guess I will be compelled on account of time to decline.

Mr. FINLEY. I did not catch the gentleman's remark about South Carolina.

The SPEAKER. The gentleman refuses to yield.

Mr. FINLEY. I did not catch what the gentleman said about South Carolina.

Mr. PROUTY. I refuse to yield; and if you can possibly stop that gentleman, I will go on.

The SPEAKER. The gentleman refuses to yield to the gentleman from South Carolina.

Mr. PROUTY. Again, what is the question involved?

It is a question as to whether or not the Federal Government shall have the power to preserve its own existence and purity by determining, if necessary, the manner in which United States Senators shall be elected.

You gentlemen from the South seem to be extremely nervous for some reason. Why is it? Do you contemplate doing something that is wrong? I want to say to you that I am northern born and northern bred, and I know that these people contemplate no wrong toward you or your people. So long as you attempt to elect a man to the United States Senate from the South fairly you will not be interfered with by the North. I want to say with equal candor, if you have in your mind the contemplation of the election of United States Senators by methods that are unfair and unpatriotic, the North wishes to reserve in its Constitution sufficient power to interfere and secure for your people fair elections, if you are either unable or unwilling to secure them for yourselves.

You gentlemen say we are raising a sectional question. Now, who raised it? This constitutional provision applies to the North and to the South. This provision applies as well to Iowa as to Florida. It can not be said to raise a sectional question unless the South is contemplating doing something or attempting something that she does not expect the North to attempt. Then it is sectional. If the gentlemen put an interpretation upon the Constitution that clearly reveals the intent upon the part of the South to fraudulently elect United States Senators if necessary, then I concede that we are raising a sectional question; but if sectionalism has crept into this discussion, it has been due to the attitude of the gentlemen from the South. They

have always fought for the doctrine of State rights. They have always chafed under the power reserving in the Constitution the right of the Federal Government to supervise the election of Congress, both in the lower and in the upper House, and they think they are now in a situation where they can force an amendment of the Constitution in that respect.

They frankly say that the little coterie of Southern States will defeat the adoption of this amendment to the Constitution providing for the popular election of United States Senators unless another amendment is made to the Constitution limiting the powers of the Federal Government and extending the power of the States.

Almost everybody seems to be in favor of the popular election of United States Senators, and the gentlemen from the South are taking advantage of this situation to force into the Constitution that which they were not able to accomplish by the debates on this floor prior to the Civil War, nor by the decisions of the Supreme Court, nor by the terrible conflict of arms.

The gentleman from Kentucky was the first gentleman on that side of the House to admit or declare that the adoption of this constitutional amendment as proposed by his side of the House would limit the power of the Federal Government and extend the power of the State government beyond that now contained in the Constitution. It was his remark that caused me to rise and make this protest.

I am extremely anxious for the election of United States Senators by popular vote. For more than 10 years upon the stump in Iowa and elsewhere I have advocated such elections, believing it would do much to restore this Government to the people; and I say frankly that I know of no measure that would more quickly produce results along that line than by placing the gentlemen at the other end of the Capitol in a position where they would have to respond to popular demand; but if it comes squarely to a decision on my part between the election of United States Senators as now by the legislature or surrendering to the South all the power of the Federal Government to interfere with their elections; if it comes squarely to a decision between the popular election of United States Senators and the extension of the doctrine of State sovereignty, I shall choose what I believe to be the least of the two evils and shall content myself by allowing the Constitution to remain as it is until such time as you gentlemen in the South are willing to have a Constitution that applies to you as well as to us. You have thrown down the gage of battle clearly. I for one accept it without faltering.

Mr. OLMSTED. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I have always been in favor of the election of United States Senators by direct vote of the people, but I am in favor of the Federal Government retaining control over the manner of their election. Gentlemen from the Democratic side of the House have said that in all likelihood this constitutional amendment would not be ratified by the States if it is adopted in the form in which it is presented by the proposed amendment; that is, if the Federal control is not taken away. Why do the Democrats say this? Why do they insist on taking the power to legislate on this subject away from the Congress? Why do they want to strike from section 4 of the Constitution the words "but the Congress shall have the power to legislate"? The reason must be apparent to everybody who reasons. It takes no superior intelligence to understand their purpose. Their motive is that certain well-known States may have unlimited and unrestricted power to destroy the franchise of the negro. They want him while ostensibly free to remain the chattel of the designing politicians of the South.

They are willing to use the negro to do their menial service, but they wish to prevent his advancement in the scale of civilization. They are opposed to him as a man. They look upon him merely as an instrument to serve their purposes; they are not willing to accord him the rights of citizenship guaranteed by the Constitution and the right vouchsafed by God to all men. They disregard the Biblical injunction "Do unto others as you would have others do unto you." They are not willing to concede that this is a government of manhood suffrage; they do not believe it is; in fact, they declare against it, not in words, but by acts, which are much stronger than words. They say this amendment to the Constitution can not be ratified unless it takes the power to legislate from the Congress. They know it, because there are enough Southern States to prevent its ratification. They want the States to have unrestricted control. They want to be able to pass laws through the State legislatures which can not be set aside by the Congress. They will not admit it, but if they are given the unlimited and unre-



stricted power to do so they will forever prevent a black man from exercising the right to vote.

I want the Congress to retain the power of control which it now has under the Constitution. You, my Democratic friends, want to take this power away. I want every man, black and white, guaranteed in his right of citizenship. The Democratic oligarchy of the South wants no interference with its arbitrary power. The Democrats are in control in this body—they have the votes to pass the amendment in any form they choose—the responsibility is yours, gentlemen; exercise it if you will give this additional evidence of your hatred of the negro. Stamp him under foot as you have always done, but remember that a just God still reigns and that the day will come when your present discrimination against the black man will be looked upon with disfavor by an unselfish, intelligent, and liberty-loving southern citizenship. Until that time comes it is my earnest hope that the Federal Government, through the Congress, may retain the power now given by the Constitution to prevent any unjust, unwise, revolutionary legislation by the States by which millions of human beings may be robbed of the right of participation in governmental affairs.

There is no reason why we should curtail the power of the United States Government as to the right to regulate the election of United States Senators. The Congress has the power to legislate on the question of how Members of the House shall be elected. Is a Senator any more sacred than a Member of the House?

Is there any more reason why the power of the Congress should not be extended to the regulation of election of Senators than there is that it should be retained as to the regulation of the election of Members of the House?

We are to have one set of rights under the proposition presented by the Democratic side of the House with respect to the election of United States Senators, and another set of rights with respect to the election of Members of the House. Do gentlemen from the Southern States wish it understood that the people of these States through their legislatures will fail to ratify a constitutional amendment which does not take away from the Congress the power to regulate?

The proposition, it was stated, was originated by a certain Member of the Senate. But the Democrats in the Fifty-second and Fifty-third Congresses presented this same proposition; they have presented it every time they have had power. They have endeavored to take away the right of the Congress to regulate the election of Federal officers.

The power of the Congress should not in any wise be curtailed. It is in no wise extended by this amendment proposed and known as the Bristow amendment. The rights of the people of the Union should be sacredly guarded by the Congress, and no State should be given the power to regulate the election of United States Senators without retaining in the Congress of the United States the power to control the action of the State in the event that that State undertakes to do what it ought not to do for the best interests of the people of the United States. We have 8,000,000 freemen in this country, liberated as a result of a civil war, and these men have rights, and those rights should be protected. Ah, it is true that Congress never has attempted to exercise special power with respect to the regulation of these elections, but it is because Congress has had the power that these States have failed to enact radical legislation discriminatory against certain classes of citizenship. To-day they are compelled to pass laws which, on their face, treat everybody alike, but which, as a fact, discriminate against a large number of our citizenship. They plead for the Filipino, but they do everything they can to crush to earth the American negro. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. OLMSTED. Mr. Speaker, I will ask the gentleman from Missouri [Mr. RUCKER] how many more speeches he expects to have on his side?

Mr. RUCKER of Missouri. Why, two or three. How many more has the gentleman on his side?

Mr. OLMSTED. Two.

Mr. RUCKER of Missouri. If the gentleman will recognize some gentleman on his side for a speech now, I will put mine in immediately following.

Mr. OLMSTED. I yield five minutes to the gentleman from Kansas [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, I concede that every Member who really wishes that the people shall elect the Senators wants this question submitted to the people of the country untrammelled by any other question, untrammelled by any question of race prejudice, and untrammelled by any questions of special interests.

Now, that being true, I think enough has been said to show one question and one fact on the floor of this House that ought to lead to a solution of this proposition. And that will come, I believe, Mr. Speaker, from submitting this question to be voted upon by the people, changing the Constitution only so as to give the people the right to vote for Senators. Now, why do I say that enough has occurred here to show that that is right and the way it ought to be done? I say that the intensity of this demand coming from the people of the country and the anxiety of the people of the South to shoulder the responsibility of defeating this amendment, if it is submitted, upon the people of the North, and, on the other hand, the anxiety of the northern people to shoulder it upon the southern people, if it is defeated, show one fact. Now, what is it? It is that the election of a Senator of the United States is a national question and not a local one. The people of Kansas are not alone interested in the proposition of electing their own Senators. They are also interested in the proposition that when they do elect a Senator by a direct vote of the people that his vote shall not be annulled by the vote of another Senator who was not elected by the vote of the people, but was elected because of race prejudice or ignorance, or, if you please, by special interests in some other State of the Union.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. JACKSON. Just a moment. Replying to what the gentleman from Kentucky, who now seeks to interrupt me, said when I interrupted him, I had no idea of reflecting upon the people of the South. In my judgment, Mr. Speaker, the demand for laws enacted by the Federal Government to regulate elections will more likely, as the gentleman from Illinois [Mr. CANNON] has already indicated, come from the Eastern States, where special interests have too often controlled State legislatures, or the Western States, where industrial prejudices have at times threatened the safety of life and property, or the extreme West, where a new race problem is fast becoming imminent, rather than from the South, or at least it is just as apt to do so. But I protest that gentlemen upon that side of the House should stand here and declaim in favor of the rights of the people day after day, and yet the very moment that somebody proposes to give the Federal Government power to do the will of the people through the power of the people they vehemently object.

Now, I would like to know how you are going to make this a Government of the people; I would like to know how you are going to establish in the Constitution of the country the right to elect Senators by the people, unless you give that same Government, which you profess to have confidence in, the power to regulate those elections.

Mr. SHERLEY. Now, will the gentleman permit an inquiry?

The SPEAKER pro tempore. Does the gentleman from Kansas yield to the gentleman from Kentucky?

Mr. JACKSON. I will.

Mr. SHERLEY. Does not the logic of the gentleman's position carry him to the point where the Federal Government should determine the qualifications of the voters themselves?

Mr. JACKSON. It does; and I claim that it has the power now as to the Representatives who sit in this body.

Mr. SHERLEY. Will the gentleman permit another question?

Mr. JACKSON. Yes.

Mr. SHERLEY. The gentleman does not mean to contend that the Congress can now determine the qualifications of voters in the States?

Mr. JACKSON. I contend that it can prevent fraud and discriminations, and it has done so.

Mr. SHERLEY. The gentleman does not meet the question.

Mr. JACKSON. In certain respects it does determine the qualifications of the voters.

Mr. SHERLEY. The gentleman is mistaken in that.

Mr. JACKSON. I can not yield any more.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OLMSTED. Mr. Speaker, I yield three minutes more to the gentleman.

Mr. JACKSON. Referring again to the question of the gentleman from Kentucky, which has been discussed heretofore, I desire to call attention to the decision of the Supreme Court in the case of *ex parte Yarborough*, which has been cited back and forth in the debate on this resolution. I read:

"Counsel for petitioners, seizing upon the expression found in the opinion of the court in the case of *Minor v. Happersett* (21 Wall., 162) that 'the Constitution of the United States does not confer the right of suffrage upon anyone,' without reference to the connection in which it is used, insists that the voters in this



case do not owe their rights to vote in any sense to that instrument.

"But the court was combatting the argument that this right was conferred on all citizens, and therefore upon women as well as men.

"In opposition to that idea it was said the Constitution adopts as the qualification for voters of Members of Congress that which prevails in the State where the voting is to be done; therefore, said the opinion, the right is not definitely conferred on any person or class of persons by the Constitution alone, because you have to look to the law of the State for the description of the class. But the court did not intend to say that when the class or the person is thus ascertained this right to vote for a Member of Congress was not fundamentally based upon the Constitution, which created the office of Member of Congress, and declared it should be elective, and pointed to the means of ascertaining who should be electors."

This answers the gentleman's question more fully than I can do.

Now, I say if the Federal Government means anything, it must have the power to protect its elections, to protect its electors, and in that way only can you secure the real rights of the people to control the election of Members of Congress and Senators.

Mr. SHERLEY. Will the gentleman yield?

Mr. JACKSON. Yes.

Mr. SHERLEY. I agree with the gentleman in that very opinion that the gentleman read, and it is fortified by a long list of cases where it is held that, so far as the qualifications of the electors are concerned, it is a State right and not a Federal right.

Mr. JACKSON. The gentleman can read those decisions for himself. I do not care to go into a further discussion of them.

This decision makes the matter as plain as can be. The Constitution fixed the qualification of the voter in its own way. In the language of the court, when the class, or person is thus ascertained, his right to vote is based upon the Constitution, which created the office of Member of Congress, declared it should be elective, and pointed to the means of ascertaining who should be the electors.

The whole law of this subject is clearly set forth in this decision, as well as excellent reasons why it should be maintained as it is and why it should be made to apply to elections of Senators. I read into the Record, the language of the court, at pages 660 and 661 of the decision (110 U. S. Rep.):

"So also has the Congress been slow to exercise the powers expressly conferred upon it in relation to elections by the fourth section of the first article of the Constitution."

This section declares that—

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time take or alter such regulations, except as to the place of choosing Senators.

"It was not until 1842 that Congress took any action under the power here conferred, when, conceiving that the system of electing all the Members of the House of Representatives from a State by general ticket, as it was called; that is, every elector voting for as many names as the State was entitled to Representatives in that House, worked injustice to other States which did not adopt that system, and gave an undue preponderance of power to the political party which had a majority of votes in the State, however small, enacted that each Member should be elected by a separate district composed of contiguous territory. (5 Stat., 491.)

"And to remedy more than one evil arising from the election of Members of Congress occurring at different times in the different States Congress, by the act of February 2, 1872, 30 years later, required all the elections for such Members to be held on the Tuesday after the first Monday in November in 1876, and on the same day every second year thereafter.

"The frequent failures of the legislatures of the State to elect Senators at the proper time by one branch of the legislature voting for one person and the other branch for another person, and refusing in any manner to reconcile their differences, led Congress to pass an act which compelled the two bodies to meet in joint convention, and fixing the day when this should be done, and requiring them so to meet on every day thereafter and vote for a Senator until one was elected.

"In like manner Congress has fixed a day which is to be the same in all the States, when the electors for President and Vice President shall be appointed.

"Now the day fixed for electing Members of Congress has been established by Congress without regard to the time set for election of State officers in each State, and but for the

fact that the State legislatures have, for their own accommodation, required State elections to be held at the same time, these elections would be held for Congressmen alone at the time fixed by the act of Congress.

"Will it be denied that it is in the power of that body to provide laws for the proper conduct of those elections? To provide, if necessary, the officers who shall conduct them and make return of the result? And especially to provide, in an election held under its own authority, for security of life and limb to the voter while in the exercise of this function? Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation, and the election itself from corruption and fraud?"

We have been treated in this House to a long dissertation from the gentleman from Rhode Island [Mr. O'SHAUNESSY] describing the rotten boroughs of his own State and appealing to the national Democratic Party as the great deliverer of the people of Rhode Island from that condition.

Now, I do not mean here to approve of what he said of conditions in Rhode Island. I do not know about them. But what I would like to know is how in the world can the Congress of the United States, through the Democratic Party or any other party, guarantee to the people of Rhode Island the right to elect Senators unless the Government has the power to secure honesty of elections? [Applause on the Republican side.]

The gentleman from Indiana [Mr. CULLOP] so far forgets himself in this debate as to assert that the proposer of this amendment is not really in favor of the election of Senators by the people. The gentleman probably does not know that the mover of this amendment is one of the few Senators who was really elected by the people of the State which he represents.

And I assert that the Senators can as well be elected under the present laws of Kansas and Oregon, with the consent of the legislature, as under the laws to be prescribed by State legislatures under the proposed resolution, if it shall be adopted. If the State legislature so wills, Senators can now be elected by the people. It is the failure of the State legislatures to faithfully perform the duties conferred upon them by the Constitution which necessitates the proposed amendment of the Constitution.

The same gentleman refers to the failure of the Legislature of Colorado to do its duty. What is the remedy? According to the gentleman from Indiana, increase the power of the legislature. The gentleman from Indiana bemoans certain unfortunate circumstances which have been revealed in Illinois concerning the election of Senators. What is the remedy? Increase the power of the Legislature of Illinois; make it greater than Congress and more powerful than the Government of the United States. Then the gentleman delivers himself of this mighty truth:

"It is a well-known fact that legislatures do not always reflect the will of the majority of the people. Numerous examples of betrayal in this respect are familiar to us all."

And yet the gentleman pleads to have the power of the legislature increased. Down with "Federal control!" Let us have more power for the State legislature! In the South these legislatures can continue to keep nearly half of the people from voting, and in the North they can continue the conduct the gentleman so eloquently describes—that of betraying the public will.

The position of the gentleman as well as that of the party to which he belongs should be described as an attempt to increase the power of the State legislatures, and not as an endeavor to increase the power of the people over the election of Senators.

The whole truth is that these gentlemen themselves do not believe in the lopsided government which would result in giving into the hands of State legislatures unrestrained power over the election of one branch of Congress. But they fear, unless this trade of giving up Federal rights to the State as a bribe to persuade them to let the people vote for their Senators is carried through, the resolution can not secure the approval of the States in the South.

But what will become of it in the Northern States, where it must meet the approval of representatives of thousands of intelligent colored men who really vote? Thousands of these industrious well-to-do citizens are intelligent enough to vote even in the South, and would do so if they lived there. They are human beings, they have minds and hearts, and can think and feel. They are not likely to come forward and say to their former masters in the South, "We will now vote to help you continue your imposition on our brothers in the South, and we will do this in order that you may be given the right to vote directly for United States Senator."



The Constitution now says when a man is entitled to vote for the most numerous branch of the legislature, he is entitled to vote for a Member of Congress, and the Federal Government is back of the guaranty. Why not leave it this way and adopt the same rule as to United States Senator? What is this "Federal control" which the Southern States fear so much? The control of a Government in which both Houses of Congress are to be elected directly by the people. There can be no great danger there. And it is manifest that the will of the people of the whole country as to election laws will be wiser and more wholesome than that of any one part of the Union, subject as it will always be to local causes and prejudices.

I want every jot and tittle of the States' sovereignty on local matters under the Constitution retained, but I also want the integrity of the National Government secured.

The hour has struck for the Democratic Party. It has come again to the parting of the ways. As so well said by the gentleman from Nebraska [Mr. NORRIS], "The hour of promise is over and the hour of performance is here." Choose this day between the right of all the people to elect their Senators and the exploded doctrine of State rights.

You say this right which you propose to take away from the National Government is inconsequential; then, why contend for it? Let no one deceive himself; this resolution must be passed now or it will not be passed this session, and every Democratic Member of this House knows it. When you refuse to consent to the Senate amendment you have killed the entire resolution and declared to the country that you are more interested in securing a little more State rights than in securing the election of Senators by direct vote.

Mr. RUCKER of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I do not believe there is a Member of this House who is more reluctant than I am to see the Constitution of the United States altered or amended, unless the welfare of the people of the country demands the change. I do not believe, Mr. Speaker, that any sectional feeling can properly be brought into the consideration of this subject. I do not see how it can justly find a lodgment in this discussion. The object of the joint resolution we are discussing now is to elect United States Senators by the people. The joint resolution passed the House and was amended in the Senate by the narrow margin of one vote, known as the Bristow amendment. It is that amendment that provokes opposition. In order to make myself intelligible I shall read Article I, section 3, of the Constitution:

#### ARTICLE I.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years; and each Senator shall have one vote.

The amendment seeks to elect Senators by the people and change the manner in filling vacancies. The other article of the Constitution involved in this important question is Article I, section 4:

#### ARTICLE I.

SEC. 4. The time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The joint resolution as it passed the House left the matter of the time, place, and manner of election of Senators to the respective legislatures of the different States. The Bristow amendment strikes out or leaves out the words of the joint resolution as it passed the House that directed that the legislature shall prescribe the manner and time for the election of United States Senators, and leaves such authority entirely dependent on section 4, Article I, of the Constitution, which I have just read. That, Mr. Speaker, is the situation, as I understand it. The question is asked: How is it that any of us object to the amendment?

It is generally conceded, and that in a much broader sense than I am willing to admit here now, that the Federal Government has the right to supervise and provide for the election of Members of the House of Representatives, under the provisions of section 4, Article I, of the Constitution. But I shall not undertake to elaborate my views on that line now. But it is not denied that under section 4, Article I, that the Government has exercised some authority and control over the election of Members of the House of Representatives. But the vital and far-reaching inquiry is, If by a constitutional amendment the election of United States Senators is taken from the legislature and the authority granted to the people, what effect will that have on section 4, remaining as it now is, in the Constitution? That section provides for "holding elections for Senators and Representatives."

It looks to me that is a clear proposition that the Federal Government would assume, under section 4, the same control over election of Senators that it has exercised, or can ever exercise, over the election of Members of the House. That is why the opposition to the Bristow amendment is emphatic and decided. There are strong corroborative circumstances to substantiate these views and warn us all against the dangers lurking in this amendment. The election of Senators or the manner, time, and place of election has never, under section 4, been invoked by the Federal Government. It would have been unreasonable and impracticable. United States Senators are chosen by the legislatures, and the people elect the members of the legislative bodies that elect Senators.

Mr. Speaker, I repeat that I do not think any sectional feeling can properly enter into this discussion. I find that many of the old Colonial States, in the ripeness of their wisdom and acquainted with the grasping power of monarchy, frankly expressed their views at the time our Constitution was framed as to what control or supervision the Federal Government should have or exercise over State elections; and they were pronounced in their convictions that the Federal Government should not interfere in elections provided for, unless the State had neglected or failed or refused to hold such elections as were necessary to carry on the Government. They simply said if the State should, for any cause, neglect to perform its highest duties to the Federal Government then the Government to protect its own existence could step in and take charge of the elections. No sane, patriotic man can object to that policy, and that is what our side of the Chamber wants.

Mr. Speaker, I say again, the fear that we have about this is not a sectional matter. That gives us no trouble. In fact, our section feels practically safe. Some man might, by some over-zeal, bring in a racial question, which would be unjust and unfair, because race feeling has developed itself in all parts of the North. It is no longer confined to any one section. We are conscious of the fact that some few people of the North object to our State constitutions as to its limitations on the manhood franchise. The State I have the honor in part to represent—Alabama—makes no discrimination in its requirements of suffrage qualifications. As I am advised, the Supreme Court of the United States passed on a similar suffrage qualification and held it not in conflict with the Constitution of the United States. We are getting along very well on that line. The South is becoming rapidly one of the most prosperous sections of the Union. Better drop that.

Mr. Speaker, I heard the gentleman from Illinois [Mr. MADDEN] a few minutes ago—and I have great respect for the gentleman—put this question, as I understood at this distance: "Why is it that Senators should not be subjected to the same election rules and regulations as Members of the House?" Why, Mr. Speaker, if a man studies the theory of our dual form of government, I am surprised that he should ask that question. We know that, not the South alone, but Massachusetts and other colonial States, with Hamilton and Madison to help, who contributed so much to the strength, virtue, and wisdom of our Constitution, stood strongly for the view that a Senator represented an entity, represented the sovereignty of a State—representing all the people. The Senate as a body can and does engage in a great many things that the House can not engage in. We represent districts and subdivisions of the people.

The Senate represents the sovereignty of the State, with equal power given every State in the Union. It may be that the next proposition will be to give the large States not more than a certain number of Senators and the small States shall have not more than a prescribed number. We are, as a Government, stepping in that direction. I said just now that possibly a racial question might be brought into this contest. But I am reluctant to believe that any Member on the other side of the Chamber would willingly do that injustice and wrong to our peaceful condition. There is no occasion for sectional pyrotechnics, and I hardly think anyone will so indulge. It is a plain, open question as to whether the Senators should be subject in their election to the same restrictions as are Members of the House. I say that to do that is to menace dangerously the perpetuity of our Republic.

No extreme measure of legislation for control of elections has ever been applied to Senators. Look at the Force bill that was attempted here years ago. I refer to it merely as an example. Did it apply to Senators? Why, no. It applied only to Representatives. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Missouri. I yield to the gentleman from Alabama [Mr. HEFLIN].



Mr. HEFLIN. Mr. Speaker, the war is over. [Applause]. I did not intend to speak upon this question, but the sarcastic remarks and bitter insinuations of ex-Speaker CANNON about the South and the war between the States are responsible for my part in this debate. Dr. Ellis—and he is a northern man—in his History of Our Country, says that the question of secession was never authoritatively settled until the war settled it. Charles Francis Adams, of Massachusetts, said that prior to the war between the States the opinion was universal that in case of conflict between State and Federal governments sovereignty resided with the State and to it allegiance was due.

Mr. Speaker, good men and true fought on opposing sides in that conflict, fought for the right, as God gave them the power to see it. The South accepted in good faith the settlement of the sword, and we have supported loyally the flag of our common country. But the South since that struggle has suffered humiliation and persecution, and the ex-Speaker of this House, who was so ungenerous in his remarks a little while ago, has contributed to that humiliation and persecution.

He voted for the force bill, and he voted to reduce the South's representation in Congress, and he has voted against the election of United States Senators by direct vote of the people. He has been repudiated by the country, humiliated by his own party, that refused to make him minority leader, and now he invites upon his head the contempt of the South—the section that gave him birth. [Loud applause on the Democratic side.] He may talk about the war and say that we are slow to forget and forgive.

Mr. Speaker, when my country was embroiled in war with Spain I saw "Fighting Joe" Wheeler stand side by side with Gens. Shafter and Fitzhugh Lee and the son of Gen. Grant, fighting beneath our country's flag, and when I saw Worth Bagley, a southern boy, spill the first blood in that struggle at Cuba and the Stars and Stripes wrapped about his lifeless form and buried with him in North Carolina, I said: "Thank God! The war of the sixties is over; we are a reunited people, with one heart, one country, and one flag." [Loud applause.] Mr. Speaker, I want to say to the gentlemen who represent the trusts, who do not want United States Senators elected by the people, that they can no longer deceive the North, the East, the West, nor the South by appealing to prejudice and trying to stir up strife between these sections. [Applause on the Democratic side.] Gentlemen, you can no longer hide your opposition to meritorious measures by appealing to the prejudices of the people. Your real position on this question shall be known. Stand up like men and show your hands, and never again try to hide behind a struggle long since dead and gone. Let the dead of that war—the blue and the gray—sleep, each in the mellow moonlight of his own proud memories—sleep until the light of eternity's morning shall break beyond the mystic mountains. Let East and West and North and South all work together for the good of each, and each for the good of all. Let us in the living present strike hands about a common center, for the good of the Republic, and bury this sectional feeling forever. [Loud and prolonged applause on the Democratic side.]

Mr. OLMSTED. Mr. Speaker, I would like to ask the gentleman from Missouri how many speeches will be made on his side?

Mr. RUCKER of Missouri. Only one more.

Mr. OLMSTED. I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I want to yield two minutes to my colleague [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I just came into the House at the close of the remarks of the gentleman from Alabama [Mr. HEFLIN]. I am told that he took occasion to criticize my remarks as well as myself. I look in his eye and say that in my judgment the threat that you claim came to the South on account of the ignorant votes, especially the far South, has been for years removed; and in my judgment, it is just such gentlemen as the gentleman from Alabama, instead of accepting the situation, gets up the scarecrow of negro domination to play upon the minds of the people of the South that he may be perpetuated in political power. [Applause on the Republican side.]

Mr. MANN. Mr. Speaker, my colleague from Illinois, the former Speaker of this House, did not need to say a word defending himself from the aspersions of the gentleman from Alabama [Mr. HEFLIN], because the mere birth of the gentleman from Illinois in North Carolina has cast more luster on the South than all the labors of the gentleman from Alabama ever has or ever will. [Applause on the Republican side.]

Mr. Speaker, the Constitution of the United States now provides that Congress may at any time by law make or alter

regulations in regard to the time, places, and manner of holding elections for Senators and Representatives which may be prescribed by the several State legislatures, except as to the places of choosing Senators.

The distinguished gentleman from Kentucky [Mr. SHERLEY], usually very accurate in his statements, challenged any exercise of the power by Congress under this provision of the Constitution as to the election of Senators, forgetting, apparently, that every Senator now in the Senate was elected, not in pursuance of State law, but in pursuance of the law of the Congress of the United States. [Applause on the Republican side.]

We have not exercised the powers that we have to regulate the manner of electing Members of the House, but we have exercised the power of regulating the time and manner of electing Senators. You do not have to read far in the Revised Statutes, until you find the third page, and it is in accordance with the provisions of the third page of the Revised Statutes of the United States that every senatorial election has been held in every State for years in the past. And yet the gentleman from Kentucky thinks that this power has not been exercised.

Mr. SHERLEY. Will the gentleman permit?

Mr. MANN. I have not the time to enter into a controversy with the gentleman on that subject.

Now, what is this proposition? It is to take out of the Constitution this power which has been and is now exercised by the Congress. We have passed the law governing the election of Senators. It is to take out of the Constitution the power under which we passed that law. We would still retain, it is true, the power to regulate the time and manner of electing Members of the House. Is it proposed, then, to have a separate election for Members of the House and Members of the Senate that gentlemen on that side of the aisle are so strenuous? We will retain the power to regulate the election of Members of the House, but we shall have no power over the election of the Members of the Senate.

What is the reason for this? Mr. Speaker, it is not far to seek. Gentlemen on that side of the House have referred to sectionalism, have decried the raising of sectionalism. Who has raised the issue of sectionalism on this point? Here was a case where the people were asking that we give to them the power of direct election of Senators. No word said about changing the other provision in the Constitution; and lo and behold, that side of the House sprang sectionalism into this issue, proposing to amend another provision of the Constitution. They threaten that if that does not go into the Constitution they and their States in the South will refuse to ratify the amendment to the Constitution. They have raised the issue of sectionalism on this.

The proposition involved is fundamental to the perpetuation of our Government. If the provision now being sought for had been in the Constitution when the War of the Rebellion broke out, the South could have paralyzed the Government without rebellion, without actual secession.

What you want on that side of the House is now, after the war has settled the fact that the States can not secede, you want to accomplish indirectly what you were not permitted to accomplish directly. Since we by force of war declared that all the States in the Union shall remain in the Union, you want to give the power to the States to take away her representation in the Senate and refuse to participate in the Senate of the United States, indirect secession.

Mr. SHERLEY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SHERLEY. Will the gentleman, speaking for his side, agree on an amendment that will limit the power of the Federal Government to those cases where the States fail to send Senators?

Mr. MANN. I will consider that question when we get to it.

Mr. SHERLEY. It is presented now.

Mr. MANN. The gentleman from Kentucky is great, but he has not the power at this stage of the proceedings to present that question to the House.

Now, I do not want to waste any more time on that. The gentleman knows as well as I he can not do it. [Applause on the Republican side.] The gentleman's party had the power to make that motion, a preferential motion. The gentleman from Kentucky himself had the power this morning to offer that as a preferential motion, which would have come first before either of the motions now pending in the House, but the gentleman did not seize the opportunity.

Mr. SHERLEY. Why, the gentleman knows that the motion to concur is ahead of the motion to concur with an amendment.

Mr. MANN. I know quite the contrary, that the motion to amend takes precedence of the motion to concur. The gentleman himself ought to know that much.



Mr. SHERLEY. Well, declamation does not make law.

Mr. MANN. Now, what is the proposition? That side of the House says that it will not ratify the amendment to the Constitution, and why? You are no more interested in the South in the election of Senators than we are in the North. Any law which Congress might pass that affected the South would affect the North. What is your peculiar interest in the matter? Why do you object to a possibility of Congress controlling the election of Senators in the South any more than we should object in the North? Why are you so tender on the point? Why are you so touchy about elections in the South if they are on the square? If the Constitution as we propose—

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. MANN. For a question.

Mr. RUCKER of Missouri. Why does the gentleman always vote against electing Senators by the people, if you want to elect them and not buy them?

Mr. MANN. The gentleman is mistaken. I have not done anything of the kind. I voted against this proposition. Now, why is it that gentlemen on that side of the House from the South claim that they are so afraid of Congress intervening and requiring honest and fair elections? I shall speak the plain truth, because the truth ought to be spoken. The gentlemen on that side of the House are afraid that the grandfather clauses in the constitutions and elsewhere will be declared unconstitutional.

They are afraid that Congress may interfere to prevent the disfranchisement of the Negro vote in the South. They are in favor of the repeal of the fifteenth amendment to the Constitution, which says that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

You southern Democrats believe that if you can insert in the Constitution, as you are now proposing, the following provision, "the times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof," that this may be construed as a partial repeal of the fifteenth amendment, and whether it so operates as a matter of theoretical law, you know that you intend that it shall operate so in fact. The southern Democrats are not satisfied with the noninterference by the General Government which so far has prevailed in regard to the election laws of the Southern States. You want us in the North, by the adoption of this provision in the constitutional amendment, to condone and approve your actions in the Southern States in depriving people of the right to vote solely because of their color. Having kept the blacks in the South in slavery for many years, you now again wish to reduce them to a condition of practical serfdom and servitude.

You want the National Government to give to you a power under which you can deprive them of the right to vote, which means, in the long run, to deprive them of the right of education, which means, in the long run, the creation of a caste of laborers and practical serfs.

We of the North have had patience with you, probably more than we ought to have, in your struggle growing out of the freeing of the slaves. It was not possible for the ex-slaves and their descendants to fully embrace or appreciate in a short time the blessings or responsibilities of our American civilization and our form of popular government. But we certainly protest against depriving the General Government of power to require and compel honest and fair elections in the South and elsewhere when it shall become necessary to the preservation of our Union or our progressive civilization.

You ought to be more than satisfied that we of the North have not been unduly oppressive in regard to your elections and election laws. But now, nearly 50 years away from the War of the Rebellion, you are seeking to minimize the results of that war. You are trying to take away from the General Government a power which it has always had and you are endeavoring to force the North to agree to this by attaching it as a rider to an amendment providing for the election of Senators by direct vote.

The method of electing Senators is after all a mere incident in government. But the power of the General Government to preserve and perpetuate itself by regulating, if necessary, the election of Members of Congress, both Members of the House and of the Senate, is fundamental and necessary to the perpetuation of the Union.

With your minds inflamed and your heads swelled by a temporary partisan victory in the country you gentlemen of the South are now attempting the rôle which the southern people before the war performed, that of forcing the northern Democrats to yield to your leadership and to blindly follow you in matters which you propose in the selfish interests of Southern

States and which tend to the destruction of national sovereignty.

You believe in giving to the States power which the General Government now has and ought to exercise. On this side we believe in preserving to the National Government national sovereignty. You wish to aggrandize the sovereignty of the States at the expense of the sovereignty of the Government. We wish to preserve intact the distribution and balance of power between the National Government and the States as laid down in the Constitution.

You believe in the impossibility of the progressive civilization of the Negro. We believe that the Negro is part and parcel of our community, and that we ought to do everything within our power to educate the Negro into the responsibilities of citizenship. We recognize him as a man with equal political rights. You object to his being anything but an inferior. We propose to protect his rights. You believe he has no rights. You declaim your devotion to the national flag, but you seek to strike the national power a blow, which in the course of time may become deadly and tend to the destruction of the Union.

We are willing to vote for the amendment to the Constitution providing for the election of Senators by vote of the people, but we are not willing, in order to obtain your vote for that proposition, to pay you the price of adding to it the other proposition to destroy the power which the Government now has to regulate, in case of necessity, the election of Members of both Houses of Congress.

We are not willing to abandon national sovereignty and national preservation and forsake the race which we set free. The slave power of the South in its palmy days was no more imperious and impudent in its demands than you are in this demand to-day. But there will come an awakening. I repeat there will come an awakening. You will not always be permitted to stamp derisively upon the colored race which is making an heroic struggle for proper place and position.

Mr. RUCKER of Missouri. Mr. Speaker, it is surely the irony of fate that brought the eloquent discussion of the learned gentleman from Illinois [Mr. MANN] to a close just while he was in the midst of the grandfather clause, found in the constitution of some States, because that is about as near a live, pertinent question pertaining to the great moral reform demanded by the people of this country in the election of United States Senators as any Republican leader ever gets. It is entirely appropriate that the gentleman from Illinois [Mr. MANN], who boldly asserts his opposition to any and every measure looking to the election of Senators by direct vote, should be chosen to close this debate for those who pretend to favor popular election, but who insist on a form of resolution which they think would be rejected and which they know would withdraw from the States some of the power they now have. [Applause on the Democratic side.]

Mr. Speaker, it was not necessary for the distinguished ex-Speaker, the gentleman from Illinois [Mr. CANNON], to make his last speech, delivered a moment ago. His first speech put him correctly on record. The gentleman from Alabama [Mr. HERLIN] made no reference to the negro question. He does not have to appeal to sectional or race issues to perpetuate his service here. His vote and his eloquent voice ever raised in behalf of the people of his country are a guaranty that Alabama will keep him here. [Applause on the Democratic side.]

I had sincerely hoped that nothing of a partisan character would be injected into this debate. I appealed to my very non-partisan friend from Pennsylvania [Mr. OLMSTED] to keep the lid on and not inject partisan politics into this discussion, but he took the lid off; and following him came the distinguished gentleman from Michigan [Mr. YOUNG], then the distinguished gentleman from Illinois [Mr. CANNON], and others, all digging into the graves of the past, seeking to arouse passions which have long since been subdued, and which I had hoped were "in the deep bosom of the ocean buried" forever and forever.

Mr. CANNON. Mr. Speaker, does the gentleman think that my remarks to which I am informed the gentleman from Alabama replied abounded in partisanship?

Mr. RUCKER of Missouri. Oh, I am not going to enter into a discussion with the gentleman. He has just expressed the fear that with popular election of Senators it might be possible to elect a Senator by a minority vote. This may be true, but I confess I would prefer to have a Senator elected by even a minority of honest, loyal voters rather than to have that high office bought in and controlled by special interests. Would he? He is the most distinguished exponent of the remnant of the once great Republican Party. He is the only man here who has the courage of his conviction—always wrong, but never afraid to champion the cause of error. [Laughter and applause on the Democratic side.]



Mr. Speaker, I do not intend that the question now before the House shall be confused. The issue presented is a plain one. Permit me to say to my Democratic friends, let no man fear that in following the lead of Democracy he will ignore the oft-expressed will of the people of the United States. We stand for that great reform which our party has so long and so often demanded, that the gentleman from Nebraska [Mr. NORRIS], who is sometimes right, but generally wrong, says we insert in our party platforms with a rubber stamp. The Democratic Party intends to keep this great question before the people and before Congress until popular sentiment aroused by the sober judgment and unconquerable will of a determined people shall have lashed those who oppose us into submission.

Let me remind the gentleman from Nebraska [Mr. NORRIS] that the only time the party to which he gives allegiance ever voted in convention upon this issue they voted down this reform demanded by millions of people, and which he says he favors, by a vote of about 700 to a little over 100. There was not righteousness enough in that Republican convention to save his party from the fate which befell Sodom and Gomorrah, if the good Lord in his mercy and compassion had not changed his mode of punishment.

Mr. Speaker, I earnestly hope that every man who sincerely, honestly, and conscientiously desires to respond to the voice of the people, a voice which has been echoing and reverberating through the corridors of this Capitol for 50 years, but which only penetrated the Senate Chamber in the last few months, will vote to nonconcur in the Senate amendment now under consideration. The command of the American people is plain and unmistakable. We are charged and commissioned to take the election of United States Senators out of the market. I do not want the price of a Senator from my State fixed by boards of exchange, in counting rooms, or in the offices of corporations or trusts. [Applause on the Democratic side.] The gentleman from Virginia [Mr. CARLIN] suggests that so-called jack pots have recently been resorted to for the purpose of corrupting legislatures and controlling the election of Senators. We want no jack-pot business in the election of Senators hereafter.

My learned and distinguished friend, Mr. MANN, like his distinguished colleague, Mr. CANNON, fearlessly and defiantly tramples upon the will of his constituents, as I believe I know that will, and opposes this reform; but I admire him. I admire him not for the good he does, but for his abandon in boldly saying to the people of that State which he so well represents in many respects, a people to-day discussed and sympathized with by everybody, a State which to-day in sack cloth and ashes is lamenting a condition which has placed a stigma upon its fair name, which time only can efface. [Applause on the Democratic side.] I am sorry, under the circumstances—

Mr. JACKSON. Will the gentleman yield?

Mr. RUCKER of Missouri. Not now; I will get to Kansas in a minute—I am sorry he [Mr. MANN] will not vote the sentiments of the great majority of the people of his State, Democrats and Republicans alike; that he will not by his vote reflect the judgment and wishes of the people and help to send this amendment to the several States in a form in which he knows it will be ratified. Let me warn you that if the Bristow amendment is agreed to by this House we will have evaded and not discharged our sworn duty. We are not simply directed to submit a proposed amendment to the Constitution, but we are charged with the duty of submitting a proposed amendment which we believe will be ratified by the States, thus securing the reform so long and so earnestly demanded. Concurrence in the Bristow amendment means the submission of an amendment for ratification which entire delegations on this floor tell us is objectionable to their people. Let me say, personally I do not share the apprehension that is expressed by gentlemen from one section that the Bristow amendment is fraught with dangerous and deadly menace to the welfare, happiness, and prosperity of that section, and I spurn the arguments made by gentlemen from another section that without the Bristow amendment the perpetuity of this great Republic is threatened. I can not believe the Federal Government will ever invade any sovereign State in this Republic to destroy it, and I will not believe that of all the 46 States, or of those which may hereafter come into the Federal Union, a solitary State can be named where any one man can ever be found who will be so unpatriotic as to seek to snatch from that flag a single star of that constellation representing the Union of States and the glory and the power of this great Republic. [Applause on the Democratic side.] I want to say, gentlemen, that treachery, insubordination, rebellion, and treason are not nurtured into the children of this country by the mothers who give them birth and under whose tender care they grow to manhood and womanhood. God bless the good mothers

and wives of our land. [Applause.] It is to them that we look for the patriotism which in all the years to come will guarantee and preserve the Union of States, and a continuation of our onward and upward march which will forever make this the beacon light of all the civilized and patriotic nations of the world.

Mr. Speaker, I proudly proclaim we do fear the people of our country. God knows the safety and perpetuity of this free Government lies in and with the plain people. The danger which we may with good reason fear is the machinations, combinations, and conspiracies formed behind closed doors, in great counting rooms, in boards of exchange, in the private rooms of special interests, which seek to make a merchantable and commercial article of the most important and sacred right of the American people, the right to say who shall serve them.

I hope that the gentleman from Nebraska [Mr. NORRIS], the gentleman from Wisconsin [Mr. COOPER], the gentleman from Kansas [Mr. JACKSON], and the gentleman from Illinois [Mr. MANN] do not mean to say that it would be dangerous to intrust the people of their States with a little more power. We propose to take just a little power from the Federal Government, not to lose it—God knows, not to lose it—but deposit it where it can and will be used—to give a little more power to the patriotic citizens of sovereign States, to those who respond to the country's call in the hour of peril, to the men who make the Nation great, and permit the loyal citizens of each State to determine the time, place, and the manner of electing their United States Senators. Do this and we will take the Lumber Trust, the Sugar Trust, the Leather Trust, the Steel Trust, and every other trust out of the Senate of the United States. [Applause on the Democratic side.] Does the gentleman from Michigan, and these other gentlemen, want to say to the intelligent, patriotic people of their States, "You are not worthy of this confidence"? Are the people of your States not patriotic enough and intelligent enough to be trusted with this small increase of power? Way down in the southland, the abiding place of virtue and beauty, of chivalry and patriotism, the hearts of those gallant people, those loyal sons of America, beating in unison, say to you: "We believe in the patriotism and intelligence of the people of the North, and we want to enlarge your powers and ours, we want to join with you and want you to join with us in amending the Federal Constitution so as to permit each sovereign State, unhampered and uncontrolled, to purify her elections, and secure the election of the people's choice to serve them in the Senate of the United States."

Our position is one of confidence in the great body of the people. You Republicans repudiate and denounce the citizenship of your States as wanting in intelligence, patriotism, and civic pride. They will soon repudiate you because you have proven yourselves unworthy of the trust reposed in you.

A distinguished gentleman, one of the great lawyers of this body, the gentleman from Pennsylvania [Mr. MOON], spoke of treason to the States. I was surprised at that. One trouble with him, and those who think as he does, is that they are governed too much by their personal views and inclinations and too little by the desires and wishes of a great constituency which reposed confidence in them. They subordinate the will and welfare of the people to their individual wishes and desires—sometimes the result of unpatriotic motives. The gentleman from Pennsylvania [Mr. MOON] used the pronoun "we" where he ought to use the pronoun "them" or "they." I am proud to be intrusted to do the will of the people I represent. I have no patience with a political boss.

Mr. MOON of Pennsylvania. Mr. Speaker—

The SPEAKER. Will the gentleman yield to the gentleman from Pennsylvania?

Mr. RUCKER of Missouri. Not now. I have passed Pennsylvania and I want to get to Kansas. [Laughter.]

Mr. Speaker, I have said that I do not believe the Federal Government will ever invade the States; but suppose I do not. I am not one of those self-constituted bosses who trample upon the will of the people and who deny and spurn the voice that comes to them from every nook and corner in their district, and who undertakes to read a lecture to the people on what is best for them. I do not believe that any of you gentlemen will deceive any considerable part of the people by your eulogies and panegyrics, your magnificent, beautiful expressions with reference to the fathers. The fathers specifically empowered and commanded us in that sacred instrument itself, the Constitution, to amend it just as soon as the trusts in this country commenced buying United States Senators. [Laughter and applause.] We have a duty to perform which now invites us. We can not put it off. If we delay one hour we violate the injunction imposed upon us by the fathers. I tell you to-day, my good friends,



and especially you Republicans, who hail from that State whose people were first to catch the glad tidings of liberty, flung to the morning breeze by old Liberty Bell, that those immortal patriots who framed that matchless charter of liberty, the Constitution of the United States, with prophetic wisdom looked down the corridors of time and saw that the time would come and the necessity would arise to amend the Constitution they gave us. And let me say to you further in the words of the great Irish patriot, "If the spirits of the departed participate in the cares and concerns of this life," I doubt not that the spirits of the fathers are to-day hovering about this Chamber, solicitous for the preservation of the liberty they secured for us, and by their silent presence seeking to arouse you Republicans to patriotic action in your response to the known will of the people who confided in you.

Mr. MOON of Pennsylvania. The gentleman has now gotten back to Pennsylvania. Will he permit an inquiry now?

Mr. RUCKER of Missouri. If the gentleman will make it very short.

Mr. MOON of Pennsylvania. I want to ask the gentleman whether the very object of forming the Constitution of the United States, as contained in the preamble, namely, that "in order to form a more perfect union"—

Mr. RUCKER of Missouri. I am not going to discuss that. You gentlemen on that side would lead me into a discussion of the Ten Commandments, which you know nothing about and care less about. [Laughter.]

Mr. MOON of Pennsylvania. Will not the gentleman permit me an inquiry?

Mr. RUCKER of Missouri. Let me tell you something. Four or five Senators—

Mr. MOON of Pennsylvania. I have not finished the question.

Mr. RUCKER of Missouri. I know I am not permitted to mention a Senator's name on this floor. I can criticize my colleagues here on this side of the House or on that side, if I want to do so, but parliamentary usage forbids that I refer to a Member of another august body.

In the language of the poet—

A subject's faults a subject may proclaim,  
A monarch's errors are forbidden game.

But let me say to you, and if, perchance, my words should be wafted on the breeze to a distant part of this Capitol, let me state with all the emphasis I can command: Backed by the will of the people of this Republic, people who have been oppressed in the exercise of their rights, people who have been degraded and States that have been tainted; supported by the will of millions of loyal people, I say to the representatives of special interests everywhere, I say to you Republicans who refuse to do your duty, you may do your worst; the will of the people will be accomplished. And I say, "So mote it be." [Applause on the Democratic side.]

Mr. MOON of Pennsylvania. The gentleman has not permitted me to finish my question.

Mr. RUCKER of Missouri. The gentleman will pardon me. My time is limited. We are going to pass this resolution submitting to the States for ratification an amendment to the Constitution providing for the direct election of Senators by the people. We are going to see to it hereafter that the taint of scandal shall not attach to the election of Senators in any State of the Union, if we are given the power, and it will be given. The Federal Government has had the power for 125 years, but it has lain dormant.

The Government of the United States, through Congress, has never exercised the power given by that clause of the Constitution which you talk so much about. It has been a dead letter. We want to put it in effect in Illinois and in Pennsylvania and in Missouri. We want to put it in action in Kansas and in Colorado. We want to put it in effect in New York. We want to put it in operation wherever that flag floats to the breeze [applause on the Democratic side] and guarantee to the American people honest elections to the United States Senate and to the House of Representatives.

Now, let me digress a little for a minute or two. Let me call your attention to a few things that give me hope. Let me make some observations on the vote in yonder body on the Bristow amendment, an amendment which some gentlemen say was offered for the purpose of killing the measure. I will not say that, because it might be unparliamentary even if true, and besides, in the language of Mark Antony, "Those who did that deed are honorable men and will with reason answer" their constituents. [Laughter.] Oh, if Senators could only be required to answer at the bar of public opinion to-day, at the time our messenger returns to the Senate the Bristow amendment with our disagreement noted, my word for it, the 44

Senators who voted for it would simultaneously spring to their feet, each vying with the other for the privilege and honor of moving to recede from the Bristow amendment and to concur in the resolution as it passed the House. The trouble is, the people can not confer with their Senators to-day. But they will before the ides of November, 1912, and do not a single one of you Republicans forget it. [Applause on the Democratic side.]

Remember, 44 Senators voted against and 44 Senators voted for the Bristow amendment. Those votes, strange to say, came from 30 States. Thirty States cast 44 votes for the amendment, and 30 States cast 44 votes against the Bristow amendment.

On the vote on the Bristow amendment both Senators from 14 States voted for the amendment, and both Senators from 14 States voted against it. The Senators representing 14 States divided, one voting for and one voting against the adoption of the Bristow amendment.

Senators from two States, only one Senator being present from each and voting, voted for the Bristow amendment, and Senators from two other States each having but one Senator present, voted against the Bristow amendment.

That was a peculiar state of affairs. The 14 States whose Senators voted solidly for the Bristow amendment are Connecticut, Delaware, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, New Hampshire, Pennsylvania, Rhode Island, South Dakota, Utah, and Wyoming.

The 14 States whose Senators voted solidly against the amendment of the resolution are Alabama, Florida, Georgia, Indiana, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and West Virginia.

The 2 States represented by 1 Senator each which supported the amendment are Colorado and Vermont.

The 2 States represented by 1 Senator each which opposed the amendment are Maine and South Carolina.

On the passage of the resolution in the House, after having first voted down here by a large majority an amendment offered by the gentleman from Kansas [Mr. JACKSON] similar in all essential respects to the Bristow amendment, the vote was 297 in favor of the resolution, just as reported by your committee, and only 15 against it.

The decisive vote by which the resolution was passed in this House was cast by public servants who were elected last fall and who in April stood before the bar of this House and before Almighty God and swore they would respond to their duties as Representatives. It was a phenomenal vote—297 for the resolution against the pitiful number of 15 against it. I am not going to tell the gentleman from Illinois [Mr. MANN] where 2 or 3 of those 15 came from, or even remind him of the fact that some of them came from the city of Chicago, the home of a distinguished member of his political party who has demonstrated that he has more confidence in results obtained through the medium of a jack pot than through a ballot box. [Laughter.]

Mr. MANN. I was one of them. [Applause and laughter.] The gentleman never need stop telling how I voted for fear of hurting my conscience. [Laughter.]

Mr. RUCKER of Missouri. No; I could not hurt your conscience. [Laughter.] I regret to have to say, Mr. Speaker, that there is not saving grace enough in any political party to rescue and save that man from his political sins. [Laughter and applause.]

Mr. MANN. The gentleman sees there was not, does he not?

Mr. RUCKER of Missouri. I conscientiously believe that the just God which Patrick Henry said presides over the destiny of nations and to whom he appealed does in fact preside over this Nation, and that some day He will deign to stoop from His great white throne and touch the heart of the gentleman from Illinois and make him respond to what he knows to be right. [Laughter and applause.]

The figures which I gave you a moment ago show that when the vote was taken in the House on the passage of the resolution as reported to the House the Members of this body, chosen at the last election by the people of the various districts in the 30 States represented, in whole or in part, by the 44 Senators who voted for the Bristow amendment, cast 176 votes for the adoption of the resolution and only 14 votes against it, 59 Members being absent or paired with absentees.

The vote in this House of Members representing the 14 States whose Senators voted solidly for the Bristow amendment was 82 for and only 11 against the resolution in the exact form reported by your committee.

The vote in this House of the Members representing the 14 States whose Senators divided on the Bristow amendment was 91 for the resolution as reported to the House and only 3 votes against it.



The vote of the Members representing the 2 States which each had only one Senator present and voting for the amendment was 3 votes for the House resolution and none against it.

The gentleman from Pennsylvania [Mr. OLMSTED] told us that this House had never gone on record in favor of a resolution in the form of the one we now contend for until we passed it a few days ago. He is mistaken. I call his attention to the fact that a resolution, of which the pending resolution is an exact copy, was introduced in the Fifty-second Congress by a distinguished Democrat from Virginia [Mr. Tucker], and passed the House with the necessary two-third vote, without division or roll call. Of course it failed to pass the Senate. The same resolution, in language exactly like this, was again introduced in the Fifty-third Congress by Mr. Tucker, and passed on a roll call by a vote of 141 for to 50 against it. It may also be interesting to the gentleman from Pennsylvania [Mr. OLMSTED] to know that among those who voted for the resolution in the Fifty-third Congress were ex-Speaker Henderson, Hon. W. P. Hepburn, Hon. RICHARD BARTHOLOTT, and Hon. H. S. Cooper, all prominent and distinguished Republicans, whom Democrats forced to meet the issue, and who had courage enough to discard all other considerations and vote the will of the people they represented.

Mr. Speaker, Members of this House know they will have to show their constituents by their votes that they are sincerely in harmony with the public sentiment which demands the passage of this resolution for the direct election of Senators by the people, and pass it in a form which will be acceptable to the States, if they hope to ever come back here again after Speaker CLARK is elected President, and— [Prolonged applause and cheering.]

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I do not think my time ought to be curtailed by this unnecessary and unusual demonstration. [Laughter.]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania [Mr. OLMSTED] to concur.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 171, answered "present" 9, not voting 97, as follows:

## YEAS—111.

Akin, N. Y.	Foss	Lawrence	Pray
Anderson, Minn.	Foster, Vt.	Leuroot	Prouty
Anthony	French	Lindbergh	Rees
Barchfeld	Gardner, Mass.	McCall	Reyburn
Bartholdt	Gillett	McCreary	Rodenberg
Berger	Good	McKinley	Simmons
Bowman	Green, Iowa.	McKinney	Slomp
Bradley	Griest	McLaughlin	Sloan
Burke, Wis.	Guernsey	McMorran	Smith, J. M. C.
Butler	Harris	Madden	Speer
Campbell	Hartman	Malby	Steenerson
Cannon	Haugen	Mann	Stephens, Cal.
Catlin	Helgesen	Matthews	Stevens, Minn.
Cooper	Henry, Conn.	Miller	Sulloway
Copley	Hill	Mondell	Taylor, Ohio
Crago	Howell	Moon, Pa.	Thistlewood
Currier	Howland	Moore, Pa.	Towner
Dalzell	Hubbard	Morse, Wis.	Utter
Danforth	Humphrey, Wash.	Murdock	Volstead
Davis, Minn.	Jackson	Nedham	Wedemeyer
Dodds	Kahn	Nelson	Wilder
Driscoll, M. E.	Kendall	Norris	Willis
Dwight	Kennedy	Olmsted	Wilson, Ill.
Dyer	Kent	Patton, Pa.	Wood, N. J.
Esch	Kopp	Payne	Woods, Iowa
Farr	Lafferty	Pickett	Young, Kans.
Focht	La Follette	Plumley	Young, Mich.
Fordney	Langley	Porter	

## NAYS—171.

Adamson	Carlín	Faison	Heflin
Aiken, S. C.	Carter	Fields	Helm
Alexander	Claypool	Finley	Henry, Tex.
Allen	Clayton	Fitzgerald	Hensley
Anderson, Ohio	Cline	Flood, Va.	Holland
Ansberry	Collier	Floyd, Ark.	Houston
Ashbrook	Connell	Foster, Ill.	Howard
Ayres	Conry	Fowler	Hughes, Ga.
Barnhart	Cox, Ind.	Francis	Hughes, N. J.
Bartlett	Cox, Ohio	Gallagher	Hull
Bathrick	Cullop	Garner	Humphreys, Miss.
Beall, Tex.	Curley	Garrett	Jacoway
Bell, Ga.	Daugherty	Glass	Johnson, Ky.
Blackmon	Davis, W. Va.	Goeke	Jones
Boehne	Dent	Goldfogle	Kinkaid, N. J.
Boher	Denver	Goodwin, Ark.	Kitchin
Borland	Dickinson	Graham	Konig
Brantley	Dickson, Miss.	Gray	Konop
Broussard	Dies	Gregg, Pa.	Korbly
Buchanan	Difenderfer	Gudger	Lamb
Bulley	Doremus	Hamill	Lee, Pa.
Burleson	Doughton	Hamilton, W. Va.	Lever
Burnett	Driscoll, D. A.	Hamlin	Lewis
Byrnes, S. C.	Dupre	Hardwick	Lithicum
Byrnes, Tenn.	Ellerbe	Hardy	Littlepage
Callaway	Estopinal	Harrison, Miss.	Lloyd
Candler	Evans	Hay	Lobeck

McCoy  
McGillicuddy  
McHenry  
Macon  
Maguire, Nebr.  
Martin, Colo.  
Mays  
Morrison  
Moss, Ind.  
Murray  
Oldfield  
O'Shaunessy  
Page  
Palmer  
Pepper  
Post

Pou  
Raker  
Ransdell, La.  
Rauch  
Redfield  
Richardson  
Robinson  
Roddenbery  
Rothermel  
Rouse  
Rubey  
Rucker, Colo.  
Rucker, Mo.  
Russell  
Sabath  
Saunders

Scully  
Sells  
Shackelford  
Sharp  
Sherley  
Sims  
Sisson  
Slayden  
Smith, N. Y.  
Smith, Tex.  
Stedman  
Stephens, Miss.  
Stephens, Tex.  
Stone  
Talbot, Md.  
Talcott, N. Y.

Taylor, Colo.  
Thayer  
Thomas  
Townsend  
Tribble  
Turnbull  
Tuttle  
Underwood  
Watkins  
Whitacre  
White  
Wickliffe  
Wilson, Pa.  
Witherspoon  
Young, Tex.

## ANSWERED "PRESENT"—9

Clark, Fla.  
Davidson  
Gregg, Tex.

Hinds  
Kinkaid, Nebr.

Longworth  
Maher

Morgan  
Smith, Saml. W.

## NOT VOTING—97.

Adair  
Ames  
Andrus  
Austin  
Bates  
Bingham  
Brown  
Burke, Pa.  
Burke, S. Dak.  
Calder  
Cantrill  
Cary  
Covington  
Cravens  
Crumpacker  
Davenport  
De Forest  
Dixon, Ind.  
Donohoe  
Draper  
Edwards  
Fairchild  
Ferris  
Fornes  
Fuller

Gardner, N. J.  
George  
Godwin, N. C.  
Gordon  
Gould  
Greene, Mass.  
Hamilton, Mich.  
Hammond  
Hanna  
Harrison, N. Y.  
Hawley  
Hayes  
Heald  
Higgins  
Hobson  
Hughes, W. Va.  
James  
Johnson, S. C.  
Kindred  
Kipp  
Knowland  
Lafean  
Langham  
Latta  
Lee, Ga.

Legare  
Levy  
Lindsay  
Littleton  
Loud  
Loudenslager  
McDermott  
McGuire, Okla.  
McKenzie  
Madison  
Martin, S. Dak.  
Mitchell  
Moon, Tenn.  
Moore, Tex.  
Mott  
Nye  
Padgett  
Parran  
Patten, N. Y.  
Peters  
Powers  
Prince  
Pujo  
Rainey  
Randell, Tex.

So the motion to concur was lost.

The following pairs were announced:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. MAHER with Mr. CALDER.

Until further notice:

Mr. MOORE of Texas with Mr. HAYES.

Mr. SWEET with Mr. WEEKS.

Mr. DIXON of Indiana with Mr. MADISON.

Mr. CRAVENS with Mr. LOUDENSLAGER.

Mr. JAMES with Mr. HAMILTON of Michigan.

Mr. LEGARE with Mr. LOUD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. CANTRILL with Mr. DE FOREST.

Mr. CLARK of Florida with Mr. NYE.

Mr. TAYLOR of Alabama with Mr. GREENE of Massachusetts.

Mr. McDERMOTT with Mr. BINGHAM.

Mr. SHERWOOD with Mr. TILSON.

Mr. FORTNES with Mr. HANNA.

Mr. HAMMOND with Mr. CRUMPACKER.

Mr. COVINGTON with Mr. PARRAN.

Mr. REILLY with Mr. AUSTIN.

Mr. FERRIS with Mr. MORGAN.

Mr. LITTLETON with Mr. VREELAND.

Mr. GREGG of Texas with Mr. DRAPER.

Mr. PUJO with Mr. HUGHES of West Virginia.

Mr. EDWARDS with Mr. MARTIN of South Dakota.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. KIPP with Mr. LANGHAM.

Mr. SULZER with Mr. MCKENZIE.

Mr. PADGETT with Mr. GARDNER of New Jersey.

Mr. WEBB with Mr. WARBURTON.

Mr. UNDERHILL with Mr. MOTT.

Mr. DONOHUE with Mr. SWITZER.

Mr. STACK with Mr. MITCHELL.

Mr. LEVY with Mr. STERLING.

Mr. LATTI with Mr. PRINCE.

Mr. KINDRED with Mr. MCGUIRE of Oklahoma.

Mr. GODWIN of North Carolina with Mr. KNOWLAND.

Mr. GEORGE with Mr. FULLER.

Mr. DAVENPORT with Mr. CARY.

Mr. ADAIR with Mr. HEALD.

Mr. GOULD with Mr. HINDS.

Mr. PATTEN of New York with Mr. BATES.

On this vote:

Mr. STANLEY (against) with Mr. ROBERTS of Nevada (for amendment).

Mr. LEE of Georgia (against) with Mr. HAWLEY (for amendment).



Mr. SMALL (against) with Mr. BURKE of Pennsylvania (for amendment).

Mr. JOHNSON of South Carolina (against) with Mr. HIGGINS (for amendment).

Mr. RANDELL of Texas (against) with Mr. KINKAID of Nebraska (for amendment).

For two weeks:

Mr. BROWN with Mr. ROBERTS of Massachusetts.

Mr. MOON of Tennessee with Mr. LAFEAN.

For three weeks:

Mr. RAINEY with Mr. BURKE of South Dakota.

Ending June 26:

Mr. SHEPPARD with Mr. AMES.

Commencing June 21, ending July 1:

Mr. HARRISON of New York with Mr. LONGWORTH.

After vote on woolen bill, ending with consideration of cotton bill:

Mr. WILSON of New York with Mr. SAMUEL W. SMITH.

The result of the vote was then announced as above recorded.

The SPEAKER. The motion to concur fails because two-thirds have failed to vote for it, and that carries with it the vote to disagree to the Senate amendment.

Mr. RUCKER of Missouri. Do I understand the Chair to rule that it is unnecessary to make the motion to disagree?

The SPEAKER. That is what the Chair holds.

Mr. RUCKER of Missouri. If the Chair should put the motion to the House to disagree to the Senate amendment, that would not hurt anything, would it?

The SPEAKER. It would not, except that you might accidentally lose it, and then what? [Laughter.] At first the Chair was inclined to take the gentleman's view of it, but after consultation with the parliamentary clerk and the gentleman from Illinois, Mr. MANN, and finally with the great authority on parliamentary law, Mr. HINDS, of Maine, we all agreed that the failure of the motion to concur was equivalent to a motion to disagree.

Mr. RUCKER of Missouri. I think we can safely leave the situation as it is, then; I have implicit confidence in the Speaker and in his parliamentary clerk, as well as in the gentleman from Maine, who formerly held that position. I understand that there is agreement among them that no further motion is necessary. Now, if there should be error in that, and it should be called to our attention from the other end of the Capitol, we would have a chance to take action, because the longer this thing goes the stronger the situation will become.

Mr. MANN. Mr. Speaker, I want to suggest to the gentleman that there can be no condition of affairs arising in the Senate of that kind, because the message which the House sends to the Senate will be that the House does not concur in the Senate amendment.

The SPEAKER. The House refuses to concur in the Senate amendment.

#### PURE FOOD AND DRUGS ACT.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered to be printed and referred to the Committee on Interstate and Foreign Commerce (H. Doc. No. 75):

*To the Senate and House of Representatives:*

Your attention is respectfully called to the necessity of passing at this session an amendment to the food and drugs act of June 30, 1906 (34 Stat., 768), which will supplement existing law and prevent the shipment in interstate and foreign commerce and the manufacture and sale within the Territories and the District of Columbia of worthless nostrums labeled with misstatements of fact as to their physiological action—misstatements false and misleading even in the knowledge of those who make them.

On June 30, 1906, after an agitation of 20 years, the food and drugs act, passed by the Fifty-ninth Congress, received the approval of the President and became law. The purpose of the measure was twofold—first, to prevent the adulteration of foods and drugs within the jurisdiction of the Federal Government; and, second, to prevent any false labeling of foods and drugs that will deceive the people into the belief that they are securing other than that for which they ask and which they have the right to get. The law was received with general satisfaction and has been vigorously enforced. More than 2,000 cases have been prepared for criminal prosecution against the shippers of adulterated or misbranded foods and drugs, and seizures have been made of more than 700 shipments of such articles. More than two-thirds of these cases have been begun since March 4, 1909. Of the criminal cases more than 800 have terminated favorably to the Government, and of the shipments

seized more than 450 have been condemned and either relabeled or destroyed. In every case in which the food seized was deleterious to health it was destroyed. A large number of cases are now pending.

The Supreme Court has held in a recent decision (United States v. O. A. Johnson, opinion May 29, 1911) that the food and drugs act does not cover the knowingly false labeling of nostrums as to curative effect or physiological action, and that inquiry under this salutary statute does not by its terms extend in any case to the inefficacy of medicines to work the cures claimed for them on the labels. It follows that, without fear of punishment under the law, unscrupulous persons, knowing the medicines to have no curative or remedial value for the diseases for which they indicate them, may ship in interstate commerce medicines composed of substances possessing any slight physiological action and labeled as cures for diseases which, in the present state of science, are recognized as incurable.

An evil which menaces the general health of the people strikes at the life of the Nation. In my opinion, the sale of dangerously adulterated drugs, or the sale of drugs under knowingly false claims as to their effect in disease, constitutes such an evil and warrants me in calling the matter to the attention of the Congress.

Fraudulent misrepresentations of the curative value of nostrums not only operate to defraud purchasers, but are a distinct menace to the public health. There are none so credulous as sufferers from disease. The need is urgent for legislation which will prevent the raising of false hopes of speedy cures of serious ailments by misstatements of fact as to worthless mixtures on which the sick will rely while their diseases progress unchecked.

At the time the food and drugs act was passed there were current in commerce literally thousands of dangerous frauds labeled as cures for every case of epilepsy, sure cures for consumption and all lung diseases, cures for all kidney, liver, and malarial troubles, cures for diabetes, cures for tumor and cancer, cures for all forms of heart disease; in fact, cures for all the ills known at the present day. The labels of many of these so-called cures indicated their use for diseases of children. They were not only utterly useless in the treatment of the disease, but in many cases were positively injurious. If a tithe of these statements had been true, no one with access to the remedies which bore them need have died from any cause other than accident or old age. Unfortunately, the statements were not true. The shameful fact is that those who deal in such preparations know they are deceiving credulous and ignorant unfortunates who suffer from some of the gravest ills to which the flesh of this day is subject. No physician of standing in his profession, no matter to what school of medicine he may belong, entertains the slightest idea that any of these preparations will work the wonders promised on the labels.

Prior to the recent decision of the Supreme Court the officers charged with the enforcement of the law regarded false and misleading statements concerning the curative value of nostrums as misbranding, and there was a general acquiescence in this view by the proprietors of the nostrums. Many pretended cures, in consequence, were withdrawn from the market, and the proprietors of many other alleged cures eliminated false and extravagant claims from their labels, either voluntarily or under the compulsion of criminal prosecution. Nearly 100 criminal prosecutions on this charge were concluded in the Federal courts by pleas of guilty and the imposition of fines. More than 150 cases of the same nature, involving some of the rankest frauds by which the American people were ever deceived, are pending now, and must be dismissed.

I fear, if no remedial legislation be granted at this session, that the good which has already been accomplished in regard to these nostrums will be undone, and the people of the country will be deprived of a powerful safeguard against dangerous frauds. Of course, as pointed out by the Supreme Court, any attempt to legislate against mere expressions of opinion would be abortive; nevertheless, if knowingly false misstatements of fact as to the effect of the preparations be provided against, the greater part of the evil will be subject to control.

The statute can be easily amended to include the evil I have described. I recommend that this be done at once as a matter of emergency.

WM. H. TAFT.

THE WHITE HOUSE, June 20, 1911.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to inquire the number of copies of this message that are printed under the rules?

Mr. MANN. Mr. Speaker, the usual number, I will state, is fourteen hundred and odd, of which the House receives 400 copies.



## LEAVE TO PRINT.

Mr. LANGLEY. Mr. Speaker, I had arranged with the gentleman from Pennsylvania [Mr. OLMSTED] to grant me some time to briefly discuss the joint resolution providing for the election of Senators by the direct vote of the people, and to get permission to print in the RECORD my reasons for favoring the Bristow amendment. During the progress of the debate I was called out of the Chamber by a constituent and when I returned debate had closed. I am in favor of the proposed amendment to the Constitution, but I prefer to see it adopted with the amendment referred to. I now ask unanimous consent to print in the RECORD my reasons for favoring that amendment.

The SPEAKER. Is there objection?

There was no objection.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—  
Mr. ANDERSON of Minnesota, for three weeks, on account of important business.

Mr. GREGG of Texas, for three weeks, on account of important business.

Mr. KONOP, for three weeks, on account of important business.

Mr. BURKE of Wisconsin, for 25 days, on account of important business.

Mr. THAYER, for 20 days, on account of important business.

Mr. UTTER, until July 10, on account of business.

Mr. DOREMUS, for three weeks, on account of important business.

Mr. GREGG of Pennsylvania, until July 12, on account of important business.

Mr. KOPP, for three weeks, on account of important business.

## WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. Moss of Indiana to withdraw from the files of the House, without leaving copies, the papers accompanying H. R. 30155, Sixty-first Congress, third session, no adverse report having been made thereon.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 3. Joint resolution extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

S. 2117. An act to promote the efficiency of the Public Health and Marine-Hospital Service;

S. 20. An act directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33, of original lot No. 3, square No. 80, in the city of Washington, D. C.;

S. 1072. An act to amend section 895 of the Code of Law for the District of Columbia;

S. 1081. An act to provide for punishment for larceny of public property from the workhouse and the reformatory of the District of Columbia;

S. 2599. An act to authorize certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Fourteenth Street, South of Taylor Street, east of Rock Creek Park, and north of Newton Street NW.; and

S. 2775. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2599. An act to authorize certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Fourteenth Street, south of Taylor Street, east of Rock Creek Park, and north of Newton Street NW.; to the Committee on the District of Columbia.

S. 2775. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon; to the Committee on the Merchant Marine and Fisheries.

S. 2117. An act to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

S. 20. An act directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31,

32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C.; to the Committee on the District of Columbia.

S. 1072. An act to amend section 895 of the Code of Laws for the District of Columbia; to the Committee on the District of Columbia.

S. 1081. An act to provide for punishment for larceny of public property from the workhouse and the reformatory of the District of Columbia; to the Committee on the District of Columbia.

S. J. Res. 3. Joint resolution extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign Affairs.

## CANADIAN RECIPROCITY—THE ROOT AMENDMENT.

Mr. MANN. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on the so-called Root amendment to the Canadian reciprocity bill (H. R. 4412).

The SPEAKER. Is there objection?

There was no objection. During the remarks of Mr. MANN, his time having expired, by unanimous consent, on the request of Mr. LONGWORTH, he was granted time in which to conclude his remarks.

Mr. MANN. Mr. Chairman, I desire to submit a few remarks about the pulp and paper provision in the Canadian reciprocity bill and the so-called Root amendment thereto. The reciprocity bill as it passed the House contained the following provision:

SEC. 2. Pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news-print paper, and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States, shall be admitted free of duty, on the condition precedent that no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board.

The Root amendment proposes to add at the end of the foregoing the following words:

And when the President of the United States shall have satisfactory evidence and shall make proclamation that such wood pulp, paper, and board, being the products of the United States, are admitted into Canada free of duty.

So that the section as amended would read as follows:

SEC. 2. Pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news-print paper, and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States, shall be admitted free of duty, on the condition precedent that no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board; and when the President of the United States shall have satisfactory evidence and shall make proclamation that such wood pulp, paper, and board, being the products of the United States, are admitted into Canada free of duty.

The amendment would be in better grammatical form if a comma instead of a semicolon were inserted at the end of the present section and the word "and," in the beginning of the amendment, were left out. In other words, the meaning of the amendment is that certain paper, and so forth, shall be admitted into the United States on certain conditions named, when the President proclaims that the same articles are admitted into Canada free of duty without any conditions.

The other day even the Chicago Tribune made this statement editorially:

The adoption of the Root amendment to the reciprocity bill would make it conform to the reciprocity agreement in the one particular in which it was departed from by the House, and yet the amendment should not be adopted.

I have seen a similar statement by others. When papers and men usually so well informed get so wide of the mark, correction should be made. The Root amendment is not in conformity with the reciprocity agreement. The Root amendment violates the agreement.

I prepared the original draft of the provision in the reciprocity agreement which sets forth the condition precedent upon which paper might be brought from Canada into the United States free of duty, and I prepared the provision in the reciprocity bill in reference to pulp and paper, and the



provision in the bill absolutely follows the provision in the agreement.

The Root amendment destroys the agreement as to pulp and paper. It renders the agreement entirely nugatory. It completely prevents the importation of paper free from Canada, or of paper into Canada from here free. It would be plainer than the Root amendment, but no more effective, if we should add at the end of the pulp and paper provision in the bill the further provision, "This section shall never take effect," because that is the practical effect of the Root amendment.

In order to understand the Root amendment it is necessary to understand the situation.

We consume large quantities of print paper. We obtain that paper from our mills in this country and from the Canadian mills.

Print paper is made from the wood of the spruce tree, and before manufacture that wood is called pulp wood. We are the principal consumers of print paper, and spruce pulp wood is mainly found in Canadian forests.

Portions of the Canadian forests are owned in private ownership, but the bulk of the Canadian forests are publicly owned, are called Crown lands, and are owned by the Provinces of Canada. The Province that owns pulp-wood forests owns them absolutely and can dispose of them as it pleases. These Provinces have put a prohibition on the exportation of pulp wood in the manner following.

The Province of Quebec, for instance, owning large pulp-wood forests, sells the right to cut pulp wood under a contract which provides that the pulp wood shall be manufactured within the Dominion of Canada. The Province will not sell any pulp wood on other terms, and hence under the new order of that Province no pulp wood can be cut in the Crown-land forests to be exported into the United States for the use of our paper mills here. The Province of Ontario and other Provinces have adopted similar restrictive contracts.

It is to the interest of this country that we be able to obtain spruce pulp wood from Canada. It is to the interest of Canada that she be able to send her print paper here free of duty. That being the situation, the reciprocity agreement provided that paper might come into the United States from Canada free of duty if made from pulp wood which itself might have been brought from Canada here. This provision is put in the form of admitting Canadian paper free of duty on the condition precedent that there is no restriction or prohibition of the exportation from Canada of the wood from which the paper is made.

The terms of the agreement would admit paper here free of duty if made from wood cut from the private forests, because there is no restriction on the exportation from Canada of pulp wood cut on the privately owned lands. The agreement would admit paper made from Crown land pulp wood if the Province which owned the forest allowed the exportation of the wood to the United States when cut; but if the Province prohibited the exportation of the pulp wood, then the paper which is made from that pulp wood would not be admitted free here.

The agreement leaves each Province to determine for itself whether it will accede to the condition precedent and take advantage of the offer we make to admit the paper free if the Province permits the pulp wood to come over here. The Dominion Government has no control over the pulp-wood forests in the eastern Provinces, and it is a matter solely for each Province to determine for itself.

It will be noted that the condition precedent is a condition which we impose upon Canadian paper; that it is a condition precedent for the benefit of our people. It is to secure to us pulp wood from Canada.

In other words, Canada desired the admission of pulp and paper into the United States free of duty. Such free entry would be of great advantage to Canadian manufacturers. On our side, we desired to obtain the right of free exportation from Canada of pulp wood in order to supply our mills with raw material for the making of pulp and paper. This right of free exportation, however, so far as the Crown lands are concerned, is not controlled by the Canadian Government. It is controlled by the various Provinces, and the General Dominion Government is powerless to legislate concerning the control of these lands or the pulp wood cut on them. This situation was appreciated by the Canadian commissioners when, in their letter to the Secretary of State, they said, referring to the importation of pulp and paper:

We note that you desire to provide that such articles from Canada shall be made free of duty in the United States only upon certain conditions respecting the shipment of pulp wood from Canada. It is necessary that we should point out that this is a matter in which we are not in a position to make any agreement. The restrictions at present existing in Canada are of a provincial character. They have been adopted by several of the Provinces with regard to what are believed to

be provincial interests. We have neither the right nor the desire to interfere with the provincial authorities in the free exercise of their constitutional powers in the administration of their public lands. The provisions you are proposing to make respecting the conditions upon which these classes of pulp and paper may be imported into the United States free of duty must necessarily be for the present inoperative. Whether the provincial governments will desire to in any way modify their regulations with a view to securing the free admission of pulp and paper from their Provinces into the markets of the United States must be a question for the provincial authorities to decide. In the meantime the present duties on pulp and paper imported from the United States into Canada will remain. Whenever pulp and paper of the classes already mentioned are admitted into the United States free of duty from all parts of Canada, then similar articles, when imported from the United States, shall be admitted into Canada free of duty.

In other words, the Canadian officials said that, as the United States was proposing in the agreement to insert a condition precedent which involved future action by the different Canadian Provinces, pending such action by the Provinces, the provisions of the agreement for free entry would be inoperative as to pulp and paper affected by the condition precedent coming from any Province until that Province had changed its regulations or form of contract. They further said, in effect, that until all of the Canadian Provinces permitted free exportation of pulp wood, meanwhile the present duty on pulp and paper imported into Canada would remain.

The meaning of the agreement is further expressed in Schedule A, attached to the agreement, which is practically in the language of the reciprocity bill as it passed the House, and which provides that the pulp and paper therein described, when imported from Canada into the United States, shall be admitted free of duty on the condition precedent that no export duty or fee or any prohibition or restriction of exportation by contract or otherwise shall have been imposed upon such pulp or paper or the wood used in their manufacture.

The Crown land pulp wood and the private land pulp wood are in competition in Canada. If we let in paper made from the private land pulp wood free and charge a duty of \$5.75 a ton on paper made from the Crown land pulp wood, the Crown land pulp wood will be at such a disadvantage that the Province which is the owner of it will naturally seek to secure the same benefits for the Crown land pulp wood that the private land pulp wood enjoys, and therefore take off the prohibition on exportation.

The reciprocity agreement further provides that if the time comes when we admit paper from all parts of Canada free, then Canada shall admit our paper free, and that provision of the agreement is incorporated in the measure now pending in the Canadian Parliament. The real advantage to us, however, is not in securing the admission of our paper into Canada free, because that will amount to but little.

The real advantage to us in the agreement will be the securing of the right to obtain pulp wood from Canada—pulp wood that is cut on her Crown lands which we can not now obtain. The agreement, however, does not make the admission of paper into the United States free of duty dependent in any way upon the admission of our paper into Canada free of duty. The Canadian Government would jump at the chance to admit our paper into Canada free of duty in return for our admission of Canadian paper here free of duty. But in the agreement we do not propose to admit all Canadian paper free of duty at once, nor ever, unless all of the restrictions or prohibitions on the exportation of pulp wood are removed in the different Provinces.

The Root amendment proposes that we shall not admit any paper from Canada free of duty until Canada admits all of our paper, of the kind described in the agreement, into Canada free of duty.

If the Root amendment prevails, this would be the situation: We would not admit any paper free of duty unless the pulp wood from which it was made might have been exported to us.

Hence, we would not admit all paper from a Province free of duty until that Province had removed the restriction on exportation.

Hence, we would not admit all paper from Canada free of duty until the restrictions on exportation were removed in every Province of Canada.

Hence, so long as any Province maintains its prohibition on exportation of pulp wood, we would not admit all paper from Canada free of duty. [Applause.]

Hence, Canada would not admit our paper free of duty, because we would not admit all of the Canadian paper free of duty.

And hence, under the Root amendment, we would not admit any paper from Canada free of duty, because Canada does not admit all of our paper free of duty.

As the Root amendment provides that the pulp and paper provision in the act shall not take effect until Canada admits all of our paper free of duty, and as Canada does not, under the terms of the agreement, admit our paper free of duty until



we admit all of her paper free of duty, and as we have a provision or condition precedent in the act to the effect that we will not admit paper coming from a Province free of duty if made from pulp wood that might not have been exported to us, we would leave it within the power of any one Province in Canada to prevent the taking effect of any portion of these provisions and thereby prevent the admission of any paper free merely by refusing to remove the restriction it makes in its contract on the exportation of pulp wood. If this power be left in each individual Province of Canada, it is absolutely certain that the provision in the act is not worth the paper it is written on.

If Ontario, for instance, has the power, by refusing to permit the exportation of its pulp wood, to keep the law from having any effect, it will exercise that power, and under the Root amendment that Province would have such power.

The agreement proceeds on the theory that we admit certain paper free of duty in return for the prospect of being able to import the Crown land pulp wood without restriction.

The agreement is based on the idea that it is worth more to us to secure Crown land pulp wood than it is to have the right to send paper to Canada free of duty. It is impossible to make the condition precedent we propose work in harmony with the Root amendment.

It is impossible to make effective both the Root amendment and the condition precedent so far as accomplishing results are concerned.

If, however, the manufacturers of print paper do not care to obtain the right to secure Crown land pulp wood, but prefer instead to obtain the right to export paper to Canada, that result can be reached in a very simple manner.

We can simply strike out the condition precedent and provide in the act that we will admit pulp and paper coming from Canada free when Canada admits our pulp and paper going there free.

While I do not believe such a provision is to the interest of the paper manufacturers of the United States, yet if they prefer to have the right to export paper to Canada rather than the right to obtain Canadian pulp wood, I do not know that I would object to the proposition. The bill might then provide, leaving out the condition precedent, that we will admit pulp and paper of the character described in the bill—

when the President of the United States shall have satisfactory evidence and shall make proclamation that such wood pulp, paper, and board, being the products of the United States, are admitted into Canada free of duty.

This latter language is the exact language of the Root amendment. If such a provision were enacted, it would simply leave out of consideration all question in regard to obtaining pulp wood and would provide for reciprocity in pulp and paper on even terms.

But, of course, under such a provision, the Canadian Provinces would still maintain their prohibition against the exportation of pulp wood, and though by the provision we would obtain the right to export paper to Canada free of duty, it is perfectly plain that we would not have the paper to export. Our own supply of spruce pulp wood would soon be gone and the paper industry would be transferred to Canada.

If the paper manufacturers desire to cut off their supply of Canadian pulp wood and transfer the print-paper-making industry to Canada, all they need to do is to keep on urging the Root amendment, and they will probably be accommodated by a provision for simple, plain, reciprocity on paper between the United States and Canada, without any reference to pulp wood or our obtaining pulp wood from Canada.

Mr. Chairman, the pulp and paper section as we passed it will greatly benefit the American reader, the American school children, the American newspaper, the American manufacturer of news-print paper, the Canadian manufacturer of news-print paper, the Canadian owner of pulp wood, and the Canadian pulp-wood forests. It tends to make available the raw material and to prevent undue increase in price of the finished product; but the Root amendment will render the whole provision ineffective and of no value. It practically destroys the agreement. Its adoption would put up the price of print paper in the United States and would prevent our obtaining the raw material from Canada.

Canada has the great pulp-wood forests; we have the great consuming public. The pulp-wood forests of Canada are of little value unless we furnish a market for the product into which they may be converted. We are great consumers of the paper into which the Canadian forests may be converted. Common sense dictates that we enter into an arrangement which is mutually profitable both to us and to Canada.

The Root amendment would prevent this. It would keep the Canadian pulp-wood forests and the American paper consumer

far apart. It would be of no benefit to anyone, except those paper mills in the United States which own a temporary supply of spruce pulp-wood forests and which hope to convert them into paper at high prices during the next few years, leaving the future to look out for itself. That is neither statesmanship nor wise economy.

Mr. MALBY. Mr. Speaker, I shall not request time of the House this afternoon to reply to my friend from Illinois [Mr. MANN] in reference to his attack upon the Root amendment, but inasmuch as the amendment was offered by the distinguished senior Senator from the State of New York, and as the district which I have the honor to represent is mightily interested in the subject, I ask the indulgence of the House that I be permitted to file for printing in the RECORD within five days such remarks as I may be able to get together in relation thereto.

The SPEAKER. The gentleman from New York asks unanimous consent to print within five days remarks on the subject of pulp wood and print paper. Is there objection?

There was no objection, and it was so ordered.

#### ELECTION OF SENATORS BY THE PEOPLE.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry. This afternoon the House nonconcurred in the Senate amendment to House joint resolution 39 respecting the election of Senators by a direct vote of the people. My recollection of the parliamentary proceeding is that when the House nonconcurs in a Senate amendment we usually ask for a conference. Apparently we did not do that this afternoon, and I would like to inquire what physically now becomes of the House joint resolution? Is it messaged to the Senate?

The SPEAKER. It is sent back to the Senate.

Mr. MURDOCK. And the Senate must now ask for a conference?

The SPEAKER. If there is one; yes.

Mr. MURDOCK. Is that proceeding regular?

The SPEAKER. It is. The Chair will state that he inquired into it as particularly as it was possible to do, and he came to the conclusion, against his own first impression, that the procedure that was had was the correct procedure, and the message that will be sent to the Senate is that the House refuses to concur in the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, by unanimous consent I would like to state to the gentleman from Kansas that as there was an even division in the vote in the Senate on this proposition, and as those who voted against concurring desired the Senate to have an opportunity to vote on the proposition as to whether they should recede or not before a conference was asked, the House did not ask for a conference for that reason, but leaves it to the Senate to determine by another vote in the Senate as to whether they will recede from their amendment.

Mr. MURDOCK. Then this proceeding, I understand from the gentleman from Alabama, is not the regular proceeding?

Mr. UNDERWOOD. Very often.

The SPEAKER. This proceeding has been pursued; that is, a vote to disagree and send back has been done a dozen times.

Mr. MANN. I do not know that this will add to the gayety of nations, but does the gentleman from Alabama contend now that the Senate, by a majority vote, can recede from its amendment and adopt the resolution without a two-thirds vote in the Senate?

Mr. UNDERWOOD. I do; I do not think it requires a two-thirds vote for the final vote.

Mr. MANN. But the final vote has been had; that is the final vote.

Mr. UNDERWOOD. But when the House sends it back to the Senate it is in dispute between the two Houses.

Mr. MANN. But if the Senate recedes it is a final vote, and it must take a two-thirds vote.

Mr. UNDERWOOD. I will say to the gentleman from Illinois this discussion is purely academic.

Mr. MANN. I understand that; we do not have to state that.

Mr. UNDERWOOD. And if we agree to a conference, after it went back to the Senate from conference the Senate, by a majority vote, could disagree or could agree, and I do not think that this changes the situation.

Mr. MANN. The gentleman and I agree, anyway; it does not affect the procedure between the two Houses whether we ask for a conference or not.

Mr. PAYNE. I would like to ask the gentleman from Alabama in that case where and in what way would the Senate by a two-thirds vote adopt the House proposition?

Mr. FITZGERALD. Let the Senate decide that.

Mr. UNDERWOOD. If it receded there would be no vote on the amendment.



Mr. PAYNE. By a majority vote?

Mr. UNDERWOOD. No; it would have to be adopted by a two-thirds vote.

Mr. PAYNE. Of course.

Mr. FITZGERALD. They could recede by a majority vote.

Mr. MANN. If the Senate recedes by a majority vote that ends the matter between the two Houses.

Mr. FITZGERALD. They can adopt the resolution—

Mr. MANN. That can only be by a two-thirds vote.

Mr. UNDERWOOD. I will say to the gentleman from Illinois, the purpose in the Senate is not to recede alone, but, as I understand it, there are some gentlemen in the Senate who desire to recede with an amendment, and if the Senate recedes with an amendment, why after the amendment is adopted by a majority vote, of course there will be a two-thirds vote required if the amendment comes back to the House.

#### DESIGNATION OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair will designate Mr. Flood of Virginia to preside on Saturday for eulogies on the late Senator DANIEL.

#### ADJOURNMENT.

The UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 21 minutes) the House, under its previous order, adjourned to meet on Saturday, June 24, 1911, at 12 o'clock m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a message from the President (H. Doc. No. 75), calling attention to the necessity of passing at this session an amendment to the food and drugs act of June 30, 1906 (34 Stat., 768), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10790) granting a pension to Sarah A. Mangus, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 11965) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. CARTER: A bill (H. R. 11966) to provide for the sale of the surface of 15.64 acres of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations to the municipality of Heavener, Le Flore County, Okla.; to the Committee on Indian Affairs.

Also, a bill (H. R. 11967) to provide for the sale of the surface of 80 acres of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations to the Haskell County Fair Association, of Stigler, Haskell County, Okla.; to the Committee on Indian Affairs.

By Mr. SABATH: A bill (H. R. 11968) to provide for the reorganization of the police force of the Library of Congress; to the Committee on Appropriations.

By Mr. BYRNES of South Carolina: A bill (H. R. 11969) to provide for an experiment in the improvement of post roads by the Secretary of Agriculture in cooperation with the Postmaster General, and for other purposes; to the Committee on Appropriations.

By Mr. WILSON of Illinois: A bill (H. R. 11970) to provide for refund or abatement of corporation tax under certain conditions; to the Committee on Ways and Means.

By Mr. McHENRY: A bill (H. R. 11971) to amend section 801 of the Criminal Code of the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOEKE: A bill (H. R. 11972) to make October 12 in each year a public holiday, to be called "Columbus Day"; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Resolution (H. Res. 215) to investigate the affairs of the Chippewa Indians at White Earth and other reservations in Minnesota and Wisconsin and the Osages in Oklahoma; to the Committee on Rules.

Also, resolution (H. Res. 216) requesting the Secretary of the Interior to furnish the House of Representatives with certain

information in relation to covering into the Indian Service certain sectarian Indian schools; to the Committee on Indian Affairs.

By Mr. WICKERSHAM: Resolution (H. Res. 217) calling on Attorney General for information; to the Committee on the Judiciary.

Also, resolution (H. Res. 218) calling on the Secretary of War for information; to the Committee on the Territories.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 219) directing the Committee on Military Affairs to investigate the charges of favoritism in letting contracts for Army and Navy shoes; to the Committee on Rules.

By Mr. BARTHOLDT: Resolution (H. Res. 220) providing for an investigation touching the practicability of the study of Esperanto as an auxiliary language; to the Committee on Rules.

By Mr. EVANS: Joint resolution (H. J. Res. 126) to create a joint commission to revise and codify the present pension laws, to report what legislation is necessary, if any, to adequately represent the gratitude of the Nation to its defenders, and to punish frauds in the administration of pension laws; to the Committee on Invalid Pensions.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 11973) granting an increase of pension to John Hueter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11974) granting an increase of pension to Ephraim Armstrong; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 11975) granting an increase of pension to Isaac McKinsey; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 11976) granting an increase of pension to Emma L. Goodale; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 11977) granting an increase of pension to Samuel D. Cowmen; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 11978) for the relief of William R. Oliver; to the Committee on War Claims.

Also, a bill (H. R. 11979) granting an increase of pension to Bertha A. Mulhall; to the Committee on Pensions.

By Mr. DONOHUE: A bill (H. R. 11980) granting a pension to Angeline Hopkin; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 11981) granting a pension to Ann E. Timmons; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 11982) for the relief of Overton Turner; to the Committee on Military Affairs.

By Mr. GRAY: A bill (H. R. 11983) granting an increase of pension to John Dixon; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 11984) granting an increase of pension to Webster M. Pixley; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 11985) granting an increase of pension to John Callaghan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11986) to reimburse the men of the U. S. S. Georgia who suffered loss through the defalcation of Paymaster's Clerk E. V. Lee; to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 11987) granting an increase of pension to Arthur McCloskey; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 11988) granting an increase of pension to David Quick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11989) granting an increase of pension to John F. Weaver; to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 11990) granting a pension to Louisa De Volve; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11991) granting a pension to Eva L. Cooley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11992) granting an increase of pension to Andrew Klaila; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11993) granting an increase of pension to Wellington Case; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11994) granting an increase of pension to Edwin D. Case; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11995) granting an increase of pension to Henry F. Bump; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 11996) granting an increase of pension to Jesse Clark; to the Committee on Invalid Pensions.



By Mr. PALMER: A bill (H. R. 11997) granting an increase of pension to William H. Miller; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11998) granting an increase of pension to John Bailey; to the Committee on Invalid Pensions. Also, a bill (H. R. 11999) to correct the military record of J. W. Young; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 12000) granting an increase of pension to Thomas Mead; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 12001) granting an increase of pension to Richard Sands; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 12002) granting an increase of pension to David M. Caviness; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 12003) granting an increase of pension to Annie E. J. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12004) granting an increase of pension to Lydia A. Verry; to the Committee on Pensions.

By Mr. VREELAND: A bill (H. R. 12005) granting an increase of pension to Frank H. Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12006) granting an increase of pension to Wilbur B. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12007) granting an increase of pension to Hiram M. Squires; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 12008) granting a pension to Charles D. Barnett; to the Committee on Pensions.

Also, a bill (H. R. 12009) granting a pension to Mary A. Coughill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12010) granting a pension to Frank H. Blehl; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of residents of the Bronx in favor of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Petition of Ellis A. Hullett and 25 other citizens of St. Louis, Mo., praying for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of St. Louis Branch of Workmen's Sick and Death Benefit Fund, in favor of the resolution to investigate the McNamara affair; to the Committee on the Judiciary.

By Mr. BLACKMON: Papers in the pension case of Isaac McKinsey; to the Committee on Invalid Pensions.

By Mr. CARLIN: Papers to accompany bill granting an increase of pension to Bertha A. Mulhall; to the Committee on Pensions.

Also, papers to accompany bill for the relief of William R. Oliver; to the Committee on War Claims.

By Mr. MICHAEL E. DRISCOLL: Petitions of numerous citizens of New York State, urging a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions adopted by the Central Trades and Labor Assembly of Syracuse, N. Y., protesting against proposed arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: Resolutions from the Essex County Board of the Ancient Order of Hibernians, requesting the Senate of the United States to reject the proposed arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

By Mr. GILLET: Petitions of citizens of Hampden, Hampshire, Franklin, and Worcester Counties, Mass., in behalf of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Resolutions adopted by the Hartford Business Men's Association, of Hartford, Conn., opposing an extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Eagle Dye Works Co., of Hartford, Conn., favoring the Sulzer and Howard bills; to the Committee on the Post Office and Post Roads.

Also, resolutions adopted by the National Automobile Manufacturers' Association, favoring an amendment to the corporation tax; to the Committee on Ways and Means.

Also, resolutions adopted by Division No. 1, Ancient Order of Hibernians, of South Manchester, Conn., opposing the ratification of a treaty between the United States and Great Britain; to the Committee on Foreign Affairs.

By Mr. HUGHES of New Jersey: Resolution of the Board of Trade of Elizabeth, N. J., urging the passage of the Canadian reciprocity agreement; to the Committee on Ways and Means.

By Mr. LAWRENCE: Petitions of citizens of Pittsfield and Holyoke, Mass., for a reduction in the present duties on sugar; to the Committee on Ways and Means.

By Mr. LLOYD: Petitions of sundry citizens of Canton, La Grange, Knox City, Hurdland, Lewistown, Kirksville, Memphis, Lancaster, and Kahoka, of the first congressional district of Missouri, protesting against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NELSON: Petitions of citizens of Madison and other places in Wisconsin, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Resolution of the Board of Trade of Providence, R. I., urging upon Congress the necessity of a 30-foot channel to meet the demands of commercial conditions at the port of Providence; to the Committee on Rivers and Harbors.

By Mr. SULLOWAY: Petition of 49 soldiers of Mexico, Mo., praying for the passage of the Sulloway or Anderson pension bill; to the Committee on Invalid Pensions.

By Mr. SULZER: Resolution of the Muncie branch of the Alliance of German Societies of the State of Indiana, approving House resolution 166, regarding the affairs of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. TUTTLE: Resolutions of the Board of Trade of Newark, N. J., urging amendments to corporation-tax law; to the Committee on the Judiciary.

Also, resolution of the Elizabeth (N. J.) Board of Trade, favoring passage of reciprocity pact with amendment; to the Committee on Ways and Means.

Also, memorial of numerous retail druggists of Plainfield and Westfield, N. J., protesting against the passage of House bill 8887; to the Committee on Ways and Means.

Also, petition of New Jersey Pharmaceutical Association, opposing House bill 8887; to the Committee on Ways and Means.

By Mr. UTTER: Resolution of the Providence Board of Trade, of Providence, R. I., urging upon Congress the necessity of a 30-foot channel to meet the demands of commercial conditions at Providence; to the Committee on Rivers and Harbors.

Also, petition for increase of pension of Annie E. J. Miller; to the Committee on Invalid Pensions.

Also, resolutions of the Pawtucket Business Men's Association, of Pawtucket, R. I., urging the passage of the Canadian reciprocity bill without amendment or change; to the Committee on Ways and Means.

By Mr. WHITE: Papers supporting House bills 11714 and 11715; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Resolutions of Group 6 of New York State Bankers' Association, favoring Aldrich plan of currency reform; to the Committee on Banking and Currency.

#### SENATE.

THURSDAY, June 22, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.  
The Journal of yesterday's proceedings was read and approved.

#### RECIPROCITY WITH CANADA.

Mr. TOWNSEND. Mr. President, I give notice that on Tuesday next I should like to submit some remarks on House bill 4412, pending before the Senate, known as the reciprocity bill.

The VICE PRESIDENT. After the morning business?

Mr. TOWNSEND. After the morning business.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

#### PETITIONS AND MEMORIALS.

Mr. BURTON presented memorials of sundry citizens of Clyde, Ohio, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

He also presented a petition of the National Association of Automobile Manufacturers, praying for the adoption of an amendment to the so-called corporation-tax law permitting corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.